1: Mam--159 E-5 (1913-1914) 1924 FOR2 Mongo FOR2
Sakata F093
Tuka F133

M 304

The patient is seated. The operator draws the design or motifs on the body with copernic. He pinches the skin between his left thumb and forefinger and makes the line with a sharp blow of the lancet. The wound is sprinkled with powdered charcoal, copernic, and a powder made of dried and crushed tree bark. This mixture slows the healing process. The operation is repeated three or four times until the relief of the raised scars is deemed sufficiently pronounced.

T 3 304

Among the Bamba, Bamfumungu, and Baboma, facial tattoos are obtained by scratching or scraping the skin with a sort of iron comb with relatively broad, dull teeth. The operation requires only one sitting among these peoples, and the wounds are not powdered. These two procedures are explained by the difference in these tribes between racial tattoos and the scarified ornamental figures worn by the women. The former are ordinary cicatrized wounds; the latter are raised scars.

M 304

The racial tattoos are always made prior to the other figures. In 1913-14 boys and girls were compelled to have them inscribed before they reached marriageable age.

The familial tattoos are usually begun some time before the girl's marriage, and they are quickly elaborated during the last few weeks preceding the union.

As for the coquettish tattoos or ornamental figures, there seems to be no rule regarding the age at which they are applied. Sometimes even an old woman will not hesitate to acquire new incisions.

M 304 178

It is probable that the custom of tattooing will soon disappear among these peoples. The spread of the principles of European civilization will invariably suppress this primitive custom. [202]

We were able, moreover, to observe this trend during our visit to the villages of the houseboys, laborers, and soldiers of Leopoldville, Kinshasa, and other large centers. In these villages, the children and even the young men are no longer tattooed. The young girls are tattooed only slightly, and in general they have incisions only on the lower abdomen. Racial tattoos are totally lacking. On the other hand, in the villages of the interior, less influenced by the principles of civilization,

L: Mass--Bib E-5 (1913-1914) 1914 PC02 Mongo PC02

tattoos are very much in vogue at the present time. We concede that the custom of tattooing is now at its height in the region we visited.

It is probable that this custom will not long survive our generation.

It would be very difficult to determine the approximate time of its introduction into the life of these natives. We believe, however, that we may regard racial tattoos as one of the ethnic characteristics peculiar to the contemporary culture and not as a specific custom of the ancestral civilization, transmitted from generation to generation and preserved or even elaborated by

Fig. 126. Return from the Fields.

each one. The clearest proof of this fact comes from our observations of the present generation of old men. As a rule they have no racial tattoos. The old women who have no [203] trace of ornamental or ethnic tattooing are rarer. Ornamental incisions are more often lacking than tribal scars, and we encountered only rare cases where the sexual tattoos were lacking.

S: Halmaent--27 M-S (ca. 1938) 1939 FOSI Mongo FOSI Miranda

Article II. The Boifimbd

552 In the old days, if an economaly rich man wanted to show his
778 affection for one of his daughters and show off his wealth, he made
778 that daughter boifimbd. Today this custom has almost completely
disappeared. (1) It has been almost impossible to maintain the

> 1. On the left bank of the Lulieka it disappeared a good many years ago. The boifimbd still followed it until quite recently.

practice because of a greater distribution of wealth and the reduction of leisure due to the work imposed by the white man. This work has been imposed directly in the form of forced labor, labor on roads, economic projects, etc., or indirectly because a sum had to be raised for the payment of taxes. All this has made it more difficult to bring large numbers of people together for ceremonies lasting days and weeks. (2) Nevertheless, the custom must be described here.

> 2. One might suppose that the new uses of wealth made possible by economic development would have contributed to the disappearance of this custom. Theoretically such might have been the case, but in fact these developments were not involved in the change that has been noted.

542 When a native wanted his favorite daughter to become boifimbd,
556 he had first to obtain the consent and financial support of all his kin.
(602) Then enormous preparations were made, for everything had to be special -- beverages, various foods, dances. On the date which had been set and made known through messengers to the entire region, an enormous crowd gathered at his house. Public festivities went on day after day. In an address suited to the occasion, he announced to those assembled his intention to set his daughter up as a boifimbd. Two relatives or two of the father's wives then stripped off the girl's

556 According to the natives it was a public assertion of the father's high
562 social position and at the same time the greatest token of affection
he could bestow on his daughter; the two things were inseparable. Not
every native had the right to make his daughter a bolifondi. On the
contrary, he had to hold an especially prominent rank, that is to say,
he had to be a wealthy, influential, and powerful head of a family.
All the ceremonies, practices, and rules involved in this institution
point in that direction. A comparison with the bolifondi wife (1)

1. See Chapter VII, Article III. Unless
she is his first wife. See ibid, and
Article I.

lends additional plausibility to this explanation.

556 As we have said, this custom is in the process of disappearing
562 completely. In certain tribes such as the Bolobo, subtribe of the
178 Lifumbe, a substitute has actually been introduced. The favored
daughter is dressed and adorned as before, except that European ma-
terials have replaced the fum. But the public character of the older
institution has disappeared. The occasion is not surrounded with so
many ceremonies. Finally, the girl is not called bolifondi, for a new
name has been invented, it is bondelikilongola, "the white man raises
(educates) her." [26]

Article III. Friendship

572 Friendship is not unknown to the Nkundó. It is founded on the
same basis as in Europe. I have seen more than one instance of true
mutual affection between persons who were in no way related. Among
the Blacks with whom I have associated there are some whom I per-
sonally consider sincere friends and who have shown me real affection,
helped me to the full extent of their powers, and shown me complete
confidence. There have even been some who have not been afraid
to place themselves in serious difficulties and who have gone so far as
to incriminate themselves in order to clear me, thereby exposing
themselves to troubles and sanctions.

874 It goes without saying that the feeling of sexual modesty and its various manifestations among these people are being transformed by two different currents. On the one hand, their moral laxity is increased by their contact with all sorts of other peoples, by a greater freedom, by the partial emancipation of women, and by the attraction of the large centers and their luxury. On the other hand, there is the preaching of Christian morality, although its effects are still very slight and certainly do not counterbalance the influences mentioned above.

Article II. Preparation for Sexual Life

1. The Woman's preparation

When a girl wishes to indulge in pleasures of the flesh, she prepares her sexual organs in advance. The preparation itself consists of "opening the way" (*lifola mbéka*). This operation, which is repeated several times, is performed in hiding, preferably in the forest. The girl may or may not have companions with her who share her intentions. Each girl operates on herself. In order to gradually enlarge the organ, a girl uses progressively thicker shoots of the *bokénga* or *bokeséli* plant (*Canna afer*), making sure first to remove the tip. Later these shoots are replaced by the *lombélé* fruit of the *bokónjí* plant (*Abrus precatorius*) or, more infrequently, by a young manioc tuber.

This is the general practice; exceptions are few or nonexistent. It is followed because the girls want the event to which they aspire to occur without difficulty (*bólosa bólóv'ôkeela*).

In addition to this basic preparation, girls [65] also wash the private parts of their bodies. This is a cleanliness measure which they continue to practice save in exceptional cases for the rest of their lives. According to my informants, the native woman -- as a very general rule -- stresses this cleanliness as much for herself as for the sake of not repelling her husband or lover. When a girl begins to practice this personal hygiene, it is a sign that she wants to begin her sexual life.

359 and "modern" fashions, as well as some earlier ones, into
332 account. In the next paragraph, moreover, we will note assimilation phenomenon.

Both of the explanations given can be defended, since each has its value. But it seems to me preferable not to oppose them but rather to bring them together, as they probably are in the thinking of the native.

It should also be noted that a man never performs the operation of making a sexual tattoo on a woman, although a woman may indeed operate on a man. And finally it should be mentioned that the [174] specific terms designating these tattoos are considered as obscenities.

The practice of tattooing is decreasing at the present time. [176] Many boys are already without tattoos. But very few girls lack them; among them the fad has not disappeared. Some even have themselves tattooed without the knowledge of their parents and in spite of their opposition. Among the Blacks, as everywhere in the world, fashion is deeply rooted because it is natural. But the designs of the tattoos are now becoming smaller. It seems to me that this change is due, not to a reaction against tattooing as such, but rather to a modification of the style. For tattooing is a real fashion, and like all fashions it is subject to change and development. Nowadays there is a tendency to imitate the designs of other peoples of the Congo. Elsewhere, as among the Inj[illegible], for example, an internal evolution may be observed, although it is occurring under foreign influence. The evolution is taking place chiefly in the face motifs, while those of the body are beginning to be omitted. But the sexual tattoos do not seem to be disappearing. [69]

4. Bead Belts

291 From an early age the Nkundó child is adorned with a belt of
901 trading beads. Before the coming of the Europeans this decoration
332 made its appearance only towards puberty and was restricted to girls. Nowadays, many men also adorn themselves in this manner. And since it is now easier to obtain the beads, women are no longer with a single string but wear several in assorted colors. They add smaller ones below the knee.

The name ~~ditwokila~~ does not mean that the girl will stay single all her life. Her marriage is not permanently excluded. It is only postponed.

As for her behaviour, the ~~ditwokila~~ conducts herself like any Mbundu girl. Nothing distinguishes her from her companions. If a good match is proposed to her, she marries like everyone else.

This custom -- if one can use the term -- therefore has no real connection with prostitution. All that can be said is that the girl who stays single longer and until adulthood, is exposed to more libertinism and a life of debauchery.

It also happens that parents who are angry because their daughter has dissolved a marriage to a man they consider a good son-in-law prevent her from remarrying in an effort to make her return to her legitimate husband. If the parents and their child each hold to their viewpoint without yielding, such a situation can go on for many months until the wife is -- practically speaking -- no longer under the authority of her husband. And since the opposition of her parents prevents her from being married by another man, she easily comes to give herself to all. It should be added that at present this case is chiefly hypothetical. Parents no longer have the authority to thwart the desires of an adult daughter in this way. If she is stubborn they have to yield out of fear that she will run far away. And that would be to go from the frying pan into the fire. But in the past the kind of situation I have described was not unusual.

The most fertile places for the breeding and development of prostitution are to be sought in the centers. The following principal causes can be given:

1) Female vanity is overexcited by the sight [74] of all the dazzling riches which have been imported by white men and which are such a temptation to Negro women. It requires a considerable income to satisfy this desire to enhance one's native beauty. Ordinary laborers and artisans do not earn enough money to satisfy their wives or daughters in this respect. Mistresses of Europeans or of foreign black men, the wives of "clerks" and other representatives of Negro high society display a degree of luxury startling and striking to the rest.

The fact of colonization has greatly changed the situation. The freedom of communication across great distances, the introduction of new and varied goods and especially of money, have had a great influence on the development of prostitution. The economic system of the people remains the same; but when the women are away from their families or their husbands, they spend their means at their own discretion. And, since the objects of adornment available to them have greatly increased, they have a personal incentive to engage in immoral conduct.

The vice has not therefore taken on European forms; modern changes have simply increased -- but in enormous proportions -- the number of occasional prostitutions. The development of this state of affairs is encouraged by the precarious existence of certain polygamous and even monogamous men living near European centers, which give rise to the attitude of their wives. For though the husband may reap the primary financial benefit, the wife is not deprived of her little gain, and her native cupidity easily pushes her to engage without scruple in commercializing her body.

The women under discussion are usually married. Often they have a recognized lover among the laborers in the camps, and he usually pays for their faithfulness. Thus we arrive at the married woman with a regular paying lover. [76]

This form of prostitution has developed even outside laborers' camps. It is to be found among the people on the river banks, who are more in contact with the Whites and their people and in the neighboring villages. It is especially prevalent among the Bolobo, fairly near Coquilhatville, where it is spreading even among wives of monogamists. This perversion takes root all the more rapidly because it has a certain resemblance to the ancestral custom of a recognized concubinage (see Chapter VI, Article VIII, 2) and like the latter, it often does not take the form of prostitution. That is to say, the illicit relationship is not engaged in for the sake of gain. Furthermore, an arrangement is often made with the husband.

As to the other forms of prostitution listed, they are still unknown in the native villages and in the small centers located in the territory studied. Some of them, however, may develop in the fairly near future.

prohibition under any circumstances.
I have heard these same words used also by the natives in the vicinity of Coquilhatville.

The body becomes flabby and without strength, and this weakness ends in a fatal paralysis (bwongé nsúnsúnsu or nsunsúnsú). In addition, the girls feared that their sexual organs, not yet fully formed, would be torn. They were also imbued with a very intense fear: bofúlu o'wondo, "the fear of males," bofúlu o'lómaso, "the fear of females." They also feared death -- bofúlu'ofoti. The parents added that sexual acts were free from danger only between persons of the requisite age.

This does not mean that children did not commit indecent acts. The game of lomo, in which little girls try to cook (and which is always one of their favorite games [3] as it probably is throughout the

3. Some boys imitate this game in order to acquire the habit of preparing their own meals. Later they benefit from it on more than one occasion.

world), often gave rise to it. Small boys joined in the game in order to taste the meal. And quite naturally they began to play at "husband and wife," more or less. Often this game involved only innocent imitations, but other times touching and exhibitions occurred between children of the same sex or of opposite sexes. This game is far more dangerous nowadays, [81] because of a change in the attitude of young people toward sexual matters.

The game of yembenkongo, in which boys, imitating monkeys, chase each other through the trees and creepers can -- and does -- result in reprehensible scenes.

In former times most girls were married before puberty. But their husbands did not touch them until they had completed their normal development.

Among some individuals the fear of sexual relations was so deeply rooted that it persisted even beyond the age limit and was

conquered only by repeated assaults of passion. Thus it is generally known among the natives that young women used to seek refuge in their mother's house when the husband wanted to begin making use of his rights as a husband. The mother would try to persuade her daughter to submit to the law of life. But sometimes, if her child showed too much fear, the mother made excuses for her and asked the husband to consider her daughter's youth. The man usually wanted to remain on good terms with his mother-in-law so he did not insist and resigned himself to waiting till nature influenced the spirit and heart of his wife.

Since young people were brought up in deep fear of dangerous relations, it should not surprise us that this feeling became a real taboo and did not disappear spontaneously the moment a certain degree of liberty was permitted. As a matter of fact, could we not make similar observations in Europe?

This is the natural explanation for the praiseworthy degree of morality among adolescents in the past.

Nowadays all that has changed. The young people follow where their passions lead them. Not the slightest check is placed on their impulses. Parents pay only slight attention to the conduct of their children. [82] It is better not to inquire into the morality of modern youth. Husbands no longer respect the ladies of their adolescent brides, who are themselves quite used to a sexual life and eagerly look forward to it, and no longer know the feeling of "the fear of man." Should we then be astonished at the frightening decrease in the birth rate (1) and the ever increasing spread of venereal

1. The natives say that in the past young wives quickly became pregnant. And now ...

diseases, which seem to have been unknown in the past?

The reasons for this change will be investigated further on, under the letter C.

B. Between adults. Here the Nkundó are very lenient. There is a difference, however, between the socio-legal and moral viewpoints, although as we shall see the latter is influenced by the former.

A woman is entirely free, legally speaking, as long as the first payment on her bride price has not been made. No man has

936 they succumb to any favorable opportunity. The validity of this generalization is not affected by extremely rare exceptions which may be encountered and which are due either to a constitutional abnormality or to an extraordinarily firm Christian conviction. How should these observations be reconciled with the statement so often heard from natives that the situation was entirely different before the coming of the white men? It was not unusual to see young women not only abstaining from sexual relations but having such a "fear of men" that they drove away seducers and defended their chastity by turning them with a stick.

936 178

When the women did not accept the young men's proposition, she considered it a grave insult. The initiator was entitled to no indemnity "for blows and wounds." The woman replied only in violent terms, in word or act. [84] Often she went and insulted the mother of the guilty party. When the latter was told the reason for this behavior, she could only turn on her misbehaving son and usually gave him a good talking to, if he was young enough she gave him a good beating. Thus the girl had every right to defend herself.

If the provocation gave rise to no complications in family or society, the parents paid a lot less attention. But they tried to teach their children discretion in these dangerous matters, though their instruction primarily took the form of a lesson after an error was committed, or sometimes apropos of an incident that had befallen someone else. Some parents were very severe. These attitudes were based on a vague sense of morality which was not deduced from philosophical reasoning or religious or superstitious ideas but which was innate and instinctive so to speak. In addition, the fear of excesses and eventual social consequences no doubt also played a considerable role. Excesses were feared above all, and an isolated occurrence was regarded more or less as a momentary weakness.

[824]

[577]

To form an accurate picture of the situation that existed in the past, we must not lose sight of the fact that, because of very early marriages, the number of young single women was necessarily limited.

The attitude toward single men was more lenient than toward girls, unless their behavior had any consequences and apart from the danger of their actions becoming habitual, leading inevitably to palavers.

562 936

has precedence over them and can become head of the family after his grandfather and uncles. In his natural father's clan, on the other hand, he has nothing to say.

If a man pays the bride price for a girl who has had a child by him, he asks his father-in-law to let him have his illegitimate child. This wish is almost always granted. The father-in-law well understands his son-in-law's perfectly worthy sentiment of love and considers it quite legitimate and proper that a father should himself possess the fruit of his own flesh. The only condition laid down is that because of the child the son-in-law must increase the amount of the bride price valuables by an extra slave or his equivalent. (1)

1. This transaction may even take place after the mother's death.

The father is not in a position to invoke any rights strictly speaking. The child is not considered as his because of his physical paternity, but only because of his father-in-law's kindness. If the latter were to refuse the father's request, he would not be acting in violation of justice. But his behavior would be considered as inhumane toward his daughter's husband and his grandson, and it would be criticized.

When a child is adopted by his natural father in this fashion, no one despises him for his illegitimate birth [90]. This procedure may therefore be considered to establish his legitimacy.

Nowadays, among the Beloko and their Ellngé, the practice of "buying" the child has sprung up. That is, if a man does not marry a woman who has had a child by him, he pays her parents a certain amount in order to obtain the child. There does not seem to be much opposition to the introduction of this custom, which springs from an honorable feeling for paternity and its duties. Its only disadvantage is that in such a case the child may never claim any rights in his mother's clan. (1)

1. See Chapter VIII, Article IV.

If a stranger marries an unwed mother, he is never given the child, which remains in the mother's family. This situation is clearly distinguished from those mentioned above.

Article II. The ndonga

584 The ndonga is the guardian-keeper of the marriage; he is chosen by the parties involved and his participation as intermediary, witness, conciliator, or arbiter is required at every stage of the union. He is an official in the sense that his authority is derived from the very law which governs marriage in Nkundó society.

First of all, the ndonga is the indispensible intermediary for the payment of the bride price. Without him there is no legitimate marriage: Nkó ndonga ɔbɔ́ka baɗmba ɔ̂ lontubɗ, bɔ̌na ale ɔ̂ bonto, "Without a ndonga you are throwing your valuables away at a total loss, and your daughter is but a slave," that is, she is not a wife. Legally, only the ndonga is qualified to act as witness.

The importance attached by the natives to the ndonga's participation is apparent in every moment of daily life. Thus if a woman has been beaten by her husband, her family can be heard to say: "Our daughter (sister) is no slave; she was paid for through the agency of a ndonga," bɔ̌n'ɔ̌kisó ɛ̃fa bokwɛ̃la, bowɛ̂ngɛ̃kɾ̃ ɛ́ la ndonga. Or she herself will retort in this manner, mutatis mutandis, to her husband or his family when in her opinion she is not being treated properly.

The absolute necessity for the participation of a qualified ndonga is very rarely mentioned by Europeans in the colonial administration. One would say that they are unaware of its importance though it is crucial.

584 In order to serve as ndonga for a particular marriage, a person
●178 must be related at the same time to both the future husband and wife
602 or, as they say in Lonkundo, to be mbɔ́tswɛ̃. Nowadays, because of the migrations of the natives, the ndonga who meet this qualification are rare in the centers and often cannot be found at all. Therefore, it has been necessary to adapt the traditional law to the situation. Hence a practice has developed [108] under such critical circumstances which consists in taking as one's ndonga a man whose integrity is generally recognized and who has every reason to be impartial and interested in the stability of the marriage. Thus it often happens that chief catechists assume the functions and responsibilities of this role.

584 Formerly, and even today in the interior, when two young people love each other but cannot find anyone qualified to perform the

584 power to settle disputes. They claim their share of the remuneration from the ndonga. According to the saying -- in archaic language -- botɛ̀ wǎ ndonga nd'â dombɛ́, "the power (literally, "the medicine") of the ndonga resides in the judges." Not that the judges themselves have the right or the power to intervene in matrimonial palavers. But they are that many additional witnesses. If the day comes when there is a dispute on the subject of the bride price, especially at the time of a divorce, the ndonga can call on them to help him refresh his memory and thus avoid difficulties. For it can easily happen that after several years the official witness has only a vague and approximate recollection of what was paid. If the judges do not receive anything at the time of payment, they will refuse to give their assistance at the critical moment. It is therefore an intelligent policy to acquiesce to their desires even though strictly speaking they can invoke no real prerogatives.

178 584 622 At the present time the colonial government, having established districts and named chiefs, the latter have had attributed to them the right to officially act as ndonga in matrimonial matters, or at least they have taken advantage of the powers given them and done so. In general [111] they summon the judges of the district at the same time, and the matter is entered after a fashion in the register of settlements. The chief's presence as a witness may have some value, since he can provide additional testimony and writes down the amount of the bride price. But his presence, on the other hand, has the disadvantage of involving him in matters which all in all are none of his business. We are not speaking here of cases in which he or some relatives of his are interested parties in the palaver. If he would be content to be a passive witness and enter the transactions that take place, the situation would be perfect.

192 184 It is probable that etymologically the word ndonga is derived from the verb root long, intransitive longam, "to be in order, arranged," transitive longy, "to arrange, make as it should be." In addition to the word ndonga, which is used west of the Lulaka, we find the word bokɔ́lo used among the Boáng' and the Boóyâ (as well as the Elâng'â), and ntombi among the Injɔ́lɔ́. The latter term could be the same word as its homonym which means "spy" and is derived from the verb

584 cares too much for his wife, so he acquiesces to their desires without
583x a murmur.

What is the purpose and the significance of the ndanga? The natives reply: the ndanga is given so that the daughter would not burn herself at the fire, bɔ̃n'ɔ̃kɔ̃ɔ́ ɛ́fɔ́y' ɔ́longola tsɛ́. This is a sign that the man takes responsibility for any accident (represented by the general term "burn") which might befall his fiancée. In the hands of the woman and her family, it constitutes public and official evidence against the husband. (1) Consequently, it is also a guarantee to the

1. Hence, probably, the origin of the word ndanga. The root is langa, "to love," "to desire," therefore "to accept." In Lokonda, see lolanga.

parents that the husband will take care of their child and treat her properly.

But what then is the ikulɛ́'s reason for being? The Nkundɔ́ reply: "The ikulɛ́ is evidence, a sign that the woman belongs to a particular man."

In practice, then, there is hardly any difference between the purposes of the two payments. Actually they have identical consequences, both with respect to the duties and rights of the engaged couple and to the indemnity to be paid under certain circumstances.

Thus if a woman runs away with her lover and he has not given the ikulɛ́, and some accident befalls her, her family can make no claim as they have no evidence against him. In former times this would have been a purely hypothetical situation; nowadays it does occur, but it is quite unusual in the native areas.

Nevertheless, a slight difference may be noted between the explanations for the two payments given by the natives. [122] The ikulɛ́ is simply proof of the engagement; the ndanga, on the other hand, is the recognition of responsibilities and their acceptance. The fiancé beats his breast, as they say (ɛ́yakɔ́ndela ntɔ́lɔ́).

178 We have said that the ikulɛ́ and the ndanga are in the process
583 of merging. This development is probably due to the fact that both
584 payments are made nowadays in the form of brass or copper rings.

584 But if the indicated difference between them were fundamental, this
583 fact would by no means provide a sufficient explanation. On the
178 other hand, if it were only a slight nuance without practical consequences, it would not, it seems to me, adequately explain the existence of the two payments, especially since in the past quite a long time could elapse between them.

Therefore we can wonder whether the basis of a greater difference might not be found in the hypothesis of its being a primitive custom.

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583
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For instance, the ikulí could have been the payment accompanying a proposal of marriage comparable to our European engagement. Then, when unresolvable palavers developed out of this situation, a system may have been devised which would not prevent disputes from arising but would make possible their resolution according to proper and just legal regulations. This system would have been the payment of a ndanga.

While this is a possible explanation, it is not a very plausible one. Native law appears in all domains so reasonable, cautious, and wise, and so well adapted to circumstances, that it would hardly have left a way open to so great a source of difficulties in so important a matter. Such a possibility can hardly be admitted by any one who is even slightly familiar with the mentality of the Nkundó. Then, too, the modern blending of the ikulí and the ndanga suggests that one of two is duplicating the function of the other. And the consequence of this development would have been the uniting of the two payments into one, with a single purpose, or more probably, in conformity with the general practice, the transferring of the significance of a pledge, theoretically assigned to the ndanga, to the ikulí. [123] The existence of a single engagement payment would have been much more in accordance with the present hypothesis than the practice of making two distinct payments, which are independent and separated in time. We should add here that the acceptance of a responsibility is always and under all circumstances accompanied by the handing over of a ndanga.

We could conceive of a second hypothesis, which seems more in accordance with reality. The ikulí may originally have been an engagement payment, as in the first hypothesis, only the girl may

583x months, even years, may elapse. In the past there was no hurry at all. Only if the father of the woman needed the bride price to obtain a wife for himself, for a son, or a cousin, etc., was the period
●[178] shortened. Nowadays, however, those who are entitled to the bride price urge the shortening of the interval before the walo payment because of the overexcitation of their desire for riches, on the one hand, and also because it gives the young people a possibility of leaving their tribes and regions and going into the centers to find the means of earning more money, dressing more luxuriously, satisfying their vanity and their desire for freedom, not to mention libertinism or even worse. Nor has the one reason present in the past disappeared -- on the contrary. And as a result of all that, as soon as the interval becomes a little long to the girl's father's taste, he readily brings the situation to the attention of the chiefs established by the administration, who are always ready to deal with matrimonial cases as much for the financial gain involved as for the increase in their prestige resulting from their involvement in this most important realm, in which according to ancestral law they have no right whatsoever to intervene, for the simple reason that this law knows no chiefs or headmen in the European sense.

1. Terminology

589x
192 The term walo is used by the Bonkoso, the Bongili, the Bombwanja, and the Ionda; bombuluku, on the other hand, is used by the Wăngată, the Bakăala, the Lifumba, the Injŏlŏ, and the Boăngi (as well as the Elăngă and the Losanganya). The Bombomba use the term elămbela in imitation of their neighbors, the Ekonda.

This last term may be related to -lămba, [130] "to prepare food." This derivation should be compared with what we have said in Article II about the remuneration of the ndonga. I have been unable to discover the etymology of bombuluku. Let us try our luck with walo.

In accordance with the rules of Nkundŏ etymology, this word could be related to the root -al, or to -alol, which is an intensifier derived from the former. No example of the simple root exists at present, as far as I know. But there are derivative forms: alej and alol, or -aol which results from the elimination of the first "l."

583× 431 556 Although given by the father-in-law to his son-in-law and therefore part of the nkomf, yet these valuables have neither their significance nor their purpose. They are disbursed at the time of the payment of the ikulá. This practice was customary only among men who were unusually wealthy and influential, that is, family heads who occupied prominent positions in native society. It was never omitted for a bolámbá (see Chapter I, Part 2, Article II). The woman's father gave these valuables to his son-in-law, saying: "I am giving you my daughter in marriage. She has always occupied a high position; she is of a very good family. I want her to retain her prominent rank. Therefore here is a bride price; go and get yourself a second wife with these rings, so that my daughter will have her nkita [154] from the very first day. Then come back and pay me the bride price for her."

The woman who was honored by such preferential treatment was called yěngaende. This word is composed of the roots éng, "to acquire by means of a bride price," and ende, "a man (vir)." The name comes from the fact that she herself paid the price for her husband, so to speak, and did so even before he paid the bride price for her.

The Nkundó have given up this manner of ostentatiously displaying their wealth, so that the custom we have just described now belongs to the past. Nevertheless there are still women who bear the name Yěngaende, in memory of some ancestor who had been the object of this honor which put her in a privileged position, a royal position, so to speak.

583× From all the foregoing it will be apparent that marriage payments are not unilateral in Nkundó law and practice. Rather, there is a mutual handing over of goods. Although the goods given by each party differ clearly from one another, they all have an economic and financial value. Therefore we can speak of a real reciprocity in these payments. And although the husband has to furnish the largest and highest amount, it would be wrong to say that he alone must "pay for his spouse," for though he does actually "pay for his wife," she must to a certain extent "pay for her husband." That is what the

583x obtaining wives for the boys. Therefore he can turn a Botswa girl
563 belonging to him over to his father-in-law. The father-in-law never takes this woman as his wife or as a wife for one of his relatives; but he gives her in marriage to one of his own Batswa or to a stranger of that race who pays him a bride price for her. Socially and financially the result is exactly the same as if the son-in-law had made his payment in the form of a slave.

Thus the bride price paid by Lokonda jw'ĭsano y'ănkanja of Ngombe (Bongíli) for Bakutu of the Baséka Elongama (Besombó, Bombwanja) and used by the latter's cousin, Bofénda of Ekákola (Bongíli) to obtain for wife, Iloa of Ndongó (Bongíli), consisted of 60 rings and the woman Ómâmenga (Antonia) of the Mbálanga clan of Botswa. Ómâmenga was later married to Wanja (Pius), a Botswa belonging to her new masters.

[567] There may be two or more slaves, for the same reasons that determine the size of the walo. The Bombwanja are only exceptionally satisfied with a single one. But all the slaves always comprise a single bosóngo.

583x The bosóngo is not part of the jĕngí. The natives say bosóngo ĕmí ák'omóngó, "the bosóngo is entirely separate." Their statements on this subject are markedly categorical.

A characteristic expression which designates the entire bride price is bańmbá la bonto, "rings and a man" (slave). The rings are the jĕngí; they are valuables of a purely material nature. The bosóngo is, on the contrary, a human being.

There is no term in Lonkundo which covers both kinds of payments. The whole cannot be expressed precisely in a single word.

583x In the vicinity of Flandria, however, the young people [160]
●178 are beginning to confuse the two words jĕngí and bosóngo and to use one in place of the other. (1) [Editor's note: The confusion today is

1. The young people from Injólo who are about twenty years of age and whom I have known at Flandria Mission and in their own settlements, do not confuse these terms but distinguish clearly between them.

583x probably due to the penetration of the Lombwanja dialect and its
178 rather strong influence, even in relation to other words, on the dialect of the Bongili and Bonkoso, as well as in central Flandria.] Among the Bombwanja, -sɔ́ng and bosɔ́ngo are synonyms of the Lokɔ́tɛ́ -ɛ́ng, jɛ́ngí. For the payment of a slave they use only the word ilengɛ́ and the expression -lekya ilengɛ́, "to give a slave." But the old people loudly protest against this confusion and consider it an error, a mix-up, a corruption of the language.

583x The bosɔ́ngo used to be paid at the same time as the walo or shortly thereafter. Nowadays years may pass between the two payments. If the husband is too slow in meeting his obligation, the wife's family complains. Often when their daughter visits her parents, they prevent her from returning to her husband as a means of coercing him into making the payment. As in the case of the jɛ́ngí, it is up to the husband to bring the payment; the wife's family is not expected to fetch it.

We have said that copper rings may be substituted for the slave. No other objects -- such as knives, for example -- come under consideration. If the rings are to be counted as bosɔ́ngo, they must be explicitly designated as such by the husband or by the ndonga. If the intention is not verbally expressed they will be considered jɛ́ngí, since they are the kind of valuables used for the latter payments.

583x The bosɔ́ngo is the final and definitive bride-price payment.
431 This does not mean that the husband does not thereafter have to pay in certain circumstances. On the contrary, financial transactions are terminated only by death. But [161] subsequent payments spring from other obligations which follow the final completion of the marriage agreement though they result from it. Such are, for instance, the belonga (gifts brought when visiting), valuables given at the time of a death, the nkunji (funeral payment), and assistance to members of the wife's damily (for example, in the settlement of a bride price). Or perhaps the wife's mother comes to help her daughter at childbirth; when she goes back home her son-in-law gives her a farewell present (bolingako), such as 4 bakonga. The statement of natives that the jɛ́ngí never ends -- jɛ́ngí lifosile elaka ɛ́k'iwɛ́ -- should be interpreted in the light of these practices.

583 The bosɔ̃ngo must be handed over under any circumstances, even if divorce or death precede it. If a husband refuses to pay he loses his rights over one of the daughters in his wife's family, whose bride price would compensate with interest for the economic and social loss suffered by the woman's clan. (1)

1. See Chapter VIII, Article IV, and Chapter IX, Article IX, 2.

2. The value and consequences of the bosɔ̃ngo

How important is the bosɔ̃ngo today? In answering this question a distinction must be made between two aspects of the problem: the financial aspect and the legal aspect.

1) Financially, the bosɔ̃ngo, first of all, completes the payment of the bride price and thus produces the highest degree of theoretical stability possible in a Nkundɔ̃ marriage. That is the meaning of the following expressions: bɔ̌lɔ́ wǎ liāla ńk'onto, "the strength of the marriage (its stability) is to be found in the slave,"; l'osɔ̃ngo bɔ̃mo to ńkɔ̄longwa wǎĺí, "by means of the bosɔ̃ngo the woman completely becomes the wife"; or wāĺí ńkɔ̄longwa ɔ̌kɛ́, "the wife becomes completely yours." Since, as I have explained, the bosɔ̃ngo terminates the payment of the bride price [162], the woman's parents no longer have any excuse for taking her away from her husband, and they become even more desirous of maintaining this union in which such great interests are at stake.

585 178 567 Apart from the value of wealth per se, there is also its social influence. In this respect we must make a distinction between the past and the present:

a) At the time when the bosɔ̃ngo was necessarily a flesh and blood slave rather than a slave in rings, it was naturally valued more than the walo. Twenty-five bakonga (for the walo) and two slaves were preferable to 50 bakonga and one slave even though, if the payments were reduced to the monetary unit in copper, the latter was greater. This fact is easily explained. "In the past," say the old people, "we had very little copper, and the smelting of iron was a

583x 567 178 hard and lengthy task. The walo paid for our mothers was greatly inferior to what we see nowadays. In the majority of cases our fathers paid no more than 15 or 20 rings and iron objects. But they gave a greater number of slaves. It was not unusual to hand over five or even ten slaves for a wife. Consequently, the bosɔ́ngo was a good deal more important than the walo. At the present time the white men have introduced a great deal of copper and brass; and the abundance of these metals is the cause of the increase in the price of the walo. On the other hand, it has become more difficult, and finally altogether impossible, to obtain slaves; that is why the bosɔ́ngo has been lowered. Finally, we have had to substitute rings for persons."

583x 178 b) Nowadays, though the idea of the importance of the bosɔ́ngo to the family is still alive, because it is the last payment and therefore a permanent settlement of the financial question, its monetary importance and therefore, in a certain perspective, its social importance for the receiving clan, has greatly diminished. This has happened because [163], like the payments that precede it, it has become a payment of copper rings. In places where the bride price is paid in money and in valuables introduced by the Europeans, the importance of the bosɔ́ngo quite naturally decreases even more rapidly.

583x 2) From the legal standpoint the question is entirely different. The bosɔ́ngo results in no new relationship between the spouses. The woman's name does not change; she is called wálí, as before. The idea that she becomes a wife completely at this time is based, as we have said, only on the fact that the marriage theoretically becomes completely stable. This supposed stability is derived from the handing over of the last payment, which leaves the parents no excuse for taking their daughter away from her husband. It does not come from any new legal act.

That this is so is clearly demonstrated in the following fact: if the woman dies before the bosɔ́ngo, there is no palaver, as there is if she dies before the walo is paid. Her husband is not required to pay an indemnity (mbálaka). But he is required to complete the

Article I. Girls

584 According to Nkundó custom it is acceptable for an expected child, not yet born or still very young, to be promised in marriage to X or Y. This practice was formerly very common and is still quite prevalent today. It is called banda bǒna or bǒmoto, literally, "to count a child" or "to count a woman." The ikulá is paid at the time of the promise. Later the matter is carried out in the usual fashion; the other parts of the bride price are paid either while the fiancée is young or, preferably, at the time when she goes to her husband.

584 855 Until that time, if one of the girl's relatives is already a wife of a polygamist husband-to-be or of one of his relatives, the child is brought up in her husband's family from a fairly early age, depending on the circumstances. She lives with her relative. She may be barely seven or eight years old, for example. If no one in her husband's clan can take care of her, [232] she spends only one or two weeks there to become acquainted, little by little, with people and places; she repeats the visit from time to time. Her mother accompanies her, for being so young she could not get used to being there alone, without support, without her parents. Therefore it is necessary to wait till she is old enough to be somewhat independent and able to manage by herself. That time usually comes around the [145] beginning of puberty, thus sometime between the ages of twelve and fifteen.

584 833 Like an adult woman, she is already called bompáka or wálí, depending on the portion of the bride price that has been paid. She has all the duties and privileges of a wife: sexual relations, food preparation, care of the household, etc. There is no set date or age for the beginning of cohabitation. This matter is settled between the husband and his parents-in-law. The latter do not have the right to [606] delay the time, even if their daughter is still too young, but they can make use of their great influence over their son-in-law. The modern [178] [571] generation is not shocked by sexual relations between an adulterer [sic] and a girl who has not reached puberty. Besides, all is in order from the legal standpoint; since the man has paid the bride price, he is the

584 572 When an engagement is arranged for an expected child, the events may betray the hopes of the parents; and the child for whom the ikulá has been paid may turn out to be a boy. This mischance is dealt with in the following manner: either the suitor waits for the birth of a girl, or an alliance of friendship and mutual assistance (boseka, see Chapter I, Part 1, Article III) is established between him and the newborn child. Such an alliance is called lilila já jwende, "the marriage of men," (matrimonium viri). In no case is restitution made for the ikulá that has been paid. If the friendship between the two men remains unbroken later, it results in the marriage of the daughter of the man for whom the ikulá was paid before his birth, to the man who paid it or to his son or grandson. No new ikulá is paid for such a marriage; the payment of the bride price simply has to be completed in the usual fashion.

584 A man may acquire a young child for himself, or for a son, a younger brother, etc. In the past the former was more frequently the case, for the old men kept the women for themselves and wanted [234] to benefit from having them before leaving them to the youths as inheritance. But the latter situation also arose.

The purpose [of obtaining a young child as wife for a relative] was to prevent inexperienced youths who were not able to defend themselves from being deprived of the means of obtaining a wife should the father die prematurely and the heirs monopolize the harem and bride-price valuables to their own profit, which theoretically they have a right to do. This practice is thus a means of favoring a son or other relative by furnishing him with a wife earlier than is customary. Nowadays this is even a stronger reason ¶[178] than in the past, because boys marry earlier than formerly.

Other reasons for obtaining a child as a wife are involved in the two above-mentioned instances. There is a greater certainty of getting one's money's worth; valuables can disappear for various reasons during long unproductive years.

584 855 But the most fundamental reason, in my opinion, is the one very often invoked by the Nkundó, namely the opportunity of personally attending to the future wife's education. There is no

584 safeguard freedom, and the impression should not be given that childhood unions are encouraged -- as it sometimes is -- by the exemption of immature wives of polygamists from a supplementary tax.

There is no law requiring an elder sister to be married before a younger one, but such is the common practice. Exceptions are made only under certain circumstances, and particularly if the younger girl finds a suitor earlier than the older one, a reason which includes and sums up all the others (such as disadvantageous physical and psychological tendencies of the older sister).

178 584 This practice of marrying daughters off before maturity is beginning to change because of the increase in freedom which has been introduced by colonization. Nevertheless, as this change is not especially advantageous [236] its manifestations are still very slight. The Christian education of parents must of necessity delay the time of the daughter's marriage and will do so ipso facto as soon as Christian influence becomes sufficiently strong in the region.

Article II. Boys

582 Except in the rare instances of an engagement of two young children, it was formerly the common and normal practice for men to remain bachelors for many years after puberty. The old men tended first to their own wants, and the youths had to wait their turn, like their elders. This was considered entirely natural. Later on they could establish a home and "profit" from life. Meanwhile they found a little compensation with the wives of certain relatives or of others, if the opportunity arose.

582 561 To explain this state of affairs we can invoke the political organization of Nkundó society, which is based on age. It is therefore natural that those possessing authority should have its external [556] signs, and one of the foremost of these is the wealth manifested in the possession of wives. But, as we will point out later, the present situation greatly weakens this explanation.

582 583* It is more natural to consider the delay in the marriage of young men a logical consequence of the marriage of girls at an early age. Suppose that a boy is fifteen years old while his sister,

582 We have spoken of the unproductivity of the bride price.
583x This is a Nkundó notion, and it is accurate only because the old men want to satisfy themselves before their sons. Actually, they could very easily reconcile their desire that the bride price should be productive with the aspirations of the youths, at least in many instances. All they would need to do would be to use the valuables they have received for their sons' benefit by acquiring girls of the same age for them. The productivity of the valuables would not diminish [238] in the least, of course, since the goods would remain in the family. On the contrary, it would be increased because a greater number of progeny would probably be born. But our natives knowledge of physiology does not seem to be sufficiently developed for them to come to this conclusion. And even more probably their egoism has greatly clouded their intelligence and silenced the voice of good sense and fatherly love to make it possible for them to multiply the number of their wives and thus increase the easy satisfaction of their sensuality, augment their wealth, and reinforce their social position. It will be their sons' turn after their death.

561 This situation is aggravated by the fact that, except for the
428 bosólo, the brothers, not the sons, of the deceased inherited the
595x widows, who thus remained in the hands of the old men.
582 Because of their attitudes the old men monopolized most of the women. They established large harems for themselves, so that it was very difficult for the young men to find a woman to marry; they had to consider themselves lucky if their father provided them with a child.

582 Thus it was unheard of that a young man between twenty and
178 thirty years old should marry, except for a few instances where a man acquired a child who was to become his wife after a number of years. Men were usually forty years old or older before they married.

Nowadays the situation has changed entirely; the attitude of the old men favors the young much more and has become almost normal. The great majority of fathers, if they have the means, procure a wife for their sons as soon as the latter are old enough to express a desire for one. This improvement is due to the fact that it has become

582 much easier to get married. A great number of young men who
178 would still be bachelors had they lived under the old regime now have wives. The young people leave home to go and work for the Whites, and the parents feel sorry for their sons and do not want to see them leave without a wife [239] to take care of them and prepare their food. This feeling has dealt the old custom a severe blow. And even for the young men who stay at home, it is no longer so difficult to obtain a wife. Paternal love has here triumphed over egoism.

Furthermore, the elders have been forced to take a more humanitarian attitude because, since the European occupation has given the young women a new freedom, they have abandoned their husbands and fled to the centers where, under the protection of the Whites, they have joined lovers who are as young as they. Therefore, it was much more intelligent to obtain a wife for their sons in an honest fashion rather than to expose themselves to loud palavers by the abandoned husband.

From all the preceding description it is clear that the man was considerably older than his wife. But because of the inheritance of widows it also happened -- and still happens -- that a man acquired wives who were older than he. When young men marry at the present time, many wives are definitely younger than their husbands; many adolescents have received prepubescent little girls for wives.

As a general rule a Nkundó woman does not like her husband to be much older than she, and she likes it even less if he is younger. Nowadays unions between persons of the same age increase continually. This increase is due more to the remarriage of divorcées, who prefer husbands of their own generation to the old men who first paid for them, than to first marriages between equals. The influence of Christian couples is called upon to play a great educational role in normalizing the situation of the girls.

The boys must marry in turn, according to age, because of
Z61 the seniority rule which regulates social relations. That is the rule,
582 but it may be mitigated by the application of another rule, namely the one pertaining to the direct or indirect rights to a sister's bride

684 582 There is no sanction against the infraction of the law of exogamy. There is only the opposition of the parents and patriarchs, and a quasi-innate habit.

582 614 Note also that members of certain clans frequently marry members of certain others, among whom they prefer to choose their wives. Therefore a good proportion of the women married into any given family will belong to one particular clan. The Wafɛ (Bakɛ̄ala), for instance take a great many of their wives from among the Bongale w'ɔ̂tɔ́lɔ́.

[174] 582 614 We may reasonably assume that the ancestors of related groups, who now marry among themselves, formerly practiced exogamy. If this assumption is correct, it must be admitted that with the progressive growth of families, this rule has been relaxed in certain respects so that the present situation has resulted. Consequently, it would not be surprising if these legal provisions became even less rigorous in the future. Actually, some young people have begun to [178] violate the rules of exogamy and their example has freed the whole family. (2) Thus the Bokɛ̄tola maintain that their two groupings,

2. See Chapter I, Article VII, 1.

Bompela and Ilɔ̄ngɛ̄, who now intermarry, formerly comprised a [251] single exogamous entity. Contemporary instances appear here and there, but they remain very rare, even between persons who are very distantly related, and much rarer between close kin. (1) For the

1. A recent case was that of Elɪ́mɛ̄ and Bolɪ̄fɛ̄, who both belonged to the exogamous group of Bokenyola of the Bɔ̄njɔ̄ku, but one belonged to the Basɛ́kɛ̄ Bɔ̄kɔ̄yɔ̄ family and the other to the Basɛ́kɛ̄ Njɔlí.

Nkundɔ́ still feel very strongly about this law. The bulk of the people are entirely opposed to any laxity or violations and the patriarchs and notables act against them with all their power. But the strength of

593* 758 Efala of Longa married to Ifoli of Bokényola (Bonjoku); Basase of Mbelé married to Nkengo of Litili.

If the woman went to her family in good health and contracted an infirmity there, her parents are responsible for it. They are obliged to nurse her and to assume all the expenses due to her treatment. After she is cured they send her back with a quantity of nkomi for her husband. Usually the matter ends there. If relations between the two families are not very good, however, the husband will claim an indemnity, which varies with the situation and to which he is entitled even if he does not claim it.

This stipulation of the law holds even if the woman has gone to see her mother, father, etc., at the time of an illness or for any other reason.

It does not hold, on the other hand, if the wife has been ordered to go to her parents by her husband, or if she has fled the home shared with her husband because of ill treatment or of serious failings on his part; this point will be explained below in number 3. In such cases the husband is legally responsible for the illness.

Certain situations may arise which are intermediate to the ones discussed. Thus, for example, a wife may make a visit on her own initiative [269] but for her husband's good. Theoretically, he should win the case. Note, finally, that a stay of only twenty-four hours is not considered sufficient to make responsibility for an illness fall on the wife's family.

178 595* 758 672 797 Colonization has produced an entirely new situation. Colonial law has given the extra wives of polygamists the freedom to go to a mission in order to be instructed in the Christian religion and to contract a monogamous marriage (provided the customary rules governing the dissolution of marriages are observed). Such a woman may fall ill at the mission. If her illness has no troublesome consequences, it does not result in a dispute. But if the illness becomes chronic and in some way detrimental to the abandoned spouse, it may do so.

The polygamists declare that they are free of any responsibility, which they place on the woman's family. But the family has

179 nothing to do with it; it is unjust to bring them into the matter.
595x Since this legislation is intended to combat polygamy, it is natural
758 that the polygamous husband be the one who suffers from it.
672 The following is a recent example of this situation: Mbɔ̃yɔ́
797 Julienne, sister of Botúna Jean of Balondɔ́, married to a polygamist by the name of Insílo of Bokenyola (Bonjoku), went to Bokuma Mission, where she contracted an incurable illness. (1) Because of her

> 1. It was a sort of illness with nervous symptoms. From a scientific viewpoint, it is more than likely that she had this illness before her arrival at the mission, although it was only manifested there. But the natives do not make this distinction, so it is not relevant to our topic.

illness she found it impossible to remarry. She therefore left the mission but was no longer accepted by the husband she had lived with so that she had to live in her brother's home. Insílo insisted that her brother reimburse him for the bride price, maintaining that in going to the mission, the woman had divorced him; his real reason, however, [270] was that she had become unfit to fulfill the duties of a wife. Since Mbɔ̃yɔ́ did not fall ill in his home, he held her family responsible.

593x 3. Abandonment of the home shared by the couple
586x In the case of serious failings on the part of a husband, a woman's usual weapon is to leave their common home and return to her father's house. If the reason for her flight is serious, it is up to the husband to go and bring her back. She will not return on her own initiative. If he refuses to make the first step, he will be accused as much by public opinion as by his parents-in-law of not loving his wife, and a rupture will become inevitable. It is therefore his duty to go to his wife's parents. They will ask him to explain the situation. The wife, too, will say what she thinks. The parents will settle their difference. Whether or not the ndonga is present will depend on the

593x 578 195

of a few fashionable expressions: vulva matris tuae, comede matrem in clitoride, coi cum matre. The same expressions, mutatis mutandis, are used with reference to a person's father, brother, or sister. The expressions used for "disinterring" are okundola ilongo, isé, nyangó, etc., that is, "exhume your family, father, mother, etc., or bejwó běkě, "your corpses," that is, your deceased parents (this last expression especially excites a strong reaction).

578 593x the effect does not vary greatly. [275] The only difference is in the intensity of rage and of the reactions, which depends on the individual temperaments of the interested parties.

578 593x 627 A Nkundó is greatly outraged by obscenities hurled at him by his wife, especially if she attacks him in public. His reaction is always violent. Usually it comes to blows, a thrashing, and sometimes the knife. But if the husband wants to remain within the limits of the law, he cannot injure or, more especially, kill his wife on his own authority. Before going any further, he must bring his case before the ndonga. His family is invited to the meeting and, if possible, so is the wife's father. The outraged husband presents his case and warns the persons assembled that one day his exasperation will lead him to take up the knife. Having taken his case before qualified persons, the husband can from then on go ahead and avenge himself for the disgraces his wife may inflict on him; it is lawful for him to do so. If the guilty woman starts again, no one can accuse her husband of wronging her, for she herself is at fault and he has warned her in accordance with all the rules of the law.

593x 578 [278] Modern young people do not always follow this procedure. But their revolutionary spirit often brings them reprimands and often gets them into great difficulties. The elders jealously guard their authority, and no one may reproach them for doing so. Therefore in a palaver of this sort, a father will sometimes foresake his son.

M
58 recourse to the assistance of a third party who -- for remuneration,
578 of course -- undertook to carry out his project. This task was usually
P [678] confided to Batswa, who did not disdain this type of work, which was quite suited to their taste.

The fact that the law gives the husband the right to punish his wife [277] for the type of oratory under discussion meant that a wife had to exercise some discretion in her choice of expressions. Fearing violent reactions, she often spoke the more serious insults softly.

M
778 Since the European penetration women are more daring. For
58 their husbands fear European justice, which follows principles entirely
593 different from their ancestral law. Thus they complain bitterly of
562 the insolence of their wives: "We have become slaves; the women are now all-powerful. They may do as they please, for we can no longer do anything to them." But as soon as native courts are sufficiently educated and are freed from what an eminent colonial jurist has called "the jurisdiction of palavers" (1), they will no doubt effect

1. See A. Sohier, Bulletin des Séances de l'Institut Royal Colonial Belge, Vol. 6, 1935, 1, p. 60 and passim.

a salutary change in this situation.

M
562 The emancipation of women is one of the factors that have
586 increased the frequency of divorce. For a man who cannot avenge continuous outrages remains dominated by shame, and the presence of the one who is the cause of it must become unbearable in the long run; whence the indifference, antipathy, hate, and the inevitable results of that permanent confusion in the household.

M
593 Men among whom the feeling of modesty was highly developed
762 hanged themselves out of shame instead of attacking the guilty wife.
577 That is what many natives have maintained in talking with me.
[183] Nevertheless, I have no knowledge of a present-day example. When this happened, the wife's family no longer took action against their daughter. Nor were they obliged to pay an indemnity, although their child had brought about the death. They simply had to acquit

602 brings forth reprimands on the part of the husband and his parents which obviously can easily degenerate into quarrels. If the omissions are so frequent and of such a nature that they can no longer be explained as simply forgetting, a whim, or a fit of peevishness, but [299] are taken to indicate spitefulness or vulgarity, the matter is [627] brought before the ndonga (who is often assisted by the family tribunal) or brought before the authority constituted by the woman's kin. If in spite of everything the expected improvement does not take place, the break-up is inevitable.

606 The husband's father and mother extend the same affection to their son's wife as they feel toward him. They consider her their own child, and it is not unusual to find that their love for the wife equals their feeling for their own son. She is only a relative by marriage, but out of affection for her they call her their child. She, for [601] her part, does not use toward them the term bakanga (or bakilo) but out of filial respect calls them "father" and "mother." Exceptions to this practice may be found, however.

606 224 If the father (and those who fall in the same category such as uncles, elder brothers, etc.) kills a large game animal, he is expected to give his son's (or brother's, etc.) wife a piece of meat, whose size depends on the number of daughters-in-law he has and which consists of one or several chops (bokalako) (1) and the piece at the nape of the neck (botombya).

1. Called lieto among the Bolenge and the tribes of the Losanganya.

606 835 Illicit relations between the husband's father and his daughter-in-law would be an unheard of crime. The same would be true with respect to any of the "superior" relatives. (2) The laws regulating

● [178] [194]

2. Only the Boangi -- like the Elanga of the Losanganya - allow relations between a brother and the wife of his junior; and they are already beginning to find imitators among their neighbors to the southeast, the Injolo.

604 937 578 575 An uncle (see D above) is not entirely free to cure his nephew's (F) passion unless he is the nkɔ̂lɔ́ of his sister (E), that is, unless the mother (C) of his sister (E) is the nkita of his aunt (B), [307] who is the sister of his father (A). Indeed in that case his sister may not complain, for she owes him respect and submission; her subordination to her brother and master is greater than the gratitude he owes her for any riches he may have obtained through her or on her account.

603 937 D. In the case of the relationship of a grandson (bonkáná) to his grandfather's wives, his freedom is, in practice, complete. Actually, among the Nkundɔ́ the affection of a grandfather (nkɔ̂kɔ) for his own grandson often exceeds his love for his own son and completely degenerates into weakness. (1) The grandfather puts up with all his

1. As happens very often also in Europe. See Chapter I, Part 1, Article I, 3.

grandson's carryings-on, his whims, all his teasing, his insults, etc.

After illicit relations the grandson sometimes carries his insolence so far as to spontaneously send his grandfather a "mock" indemnity in the form of a basket filled with stones in the place of copper rings.

626 603 937 Although the grandfather treats his grandson with good humor, public opinion does not favor the latter's conduct, though it is more lenient than in the cases described above. The public reaction, as well as the sending of the "mock" fine, shows that in principle these relations are censurable and condemned. Because of present circumstances, particularly marriage at an earlier age than in the past, the age difference between a grandson and his grandfather's wives has increased considerably in the constantly growing number of cases, and their relations have proportionately decreased. (2) [308]

[114] 2. We have seen above that other Nkundɔ́ tribes are even less strict in these matters. On the other hand, the Ekonda, a Nkundɔ́ group living on Lake Leopold II, have a

duties is also unsatisfactory, may sometimes resort to divorce or to selling her into slavery, but rarely to killing.

Colonization has abolished torture, slavery, killing, and the legitimacy of assassination. A husband has no other sanction against an unfaithful wife than to insult and beat her. And even there European law forces him to restrain himself lest he commit excesses which [319] involve him in a trial before the white man's court. Fortunately for marital fidelity, a reaction in favor of the repression of adultery has recently begun, following the official establishment of native jurisdiction. In the not too distant future, this reaction will culminate in a return to ancestral law in a form adapted to present circumstances.

B. Against the accomplice, the injured husband has the right to make use of two sanctions: violence and the payment of an "indemnity."

1) If the husband catches the accomplice in the act, he always has the right to wound him, or even to kill him, or reduce him to slavery. The last two forms of vengeance were not practiced unless the respective villages of the husband and the culprit were fairly distant from each other and not bound to each other by any special ties (friendship, mutual assistance, or affinity). This reservation existed because of consideration for the offender's relatives, the desire not to bring them excessive sorrow. Another cause for caution and calm is the economic or military inferiority of the husband's clan, or the fearlessness, the valor in battle, in a word, the strength of the culprit's family. A special case which makes all other considerations disappear is adultery with a favorite, whose husband's love for her is especially passionate and jealous.

If the offender's adultery was not limited to a few isolated acts but was becoming a real habit, or if he had already seduced many women, resulting in many palavers for his family, the husband could be bolder. For the rake's close kin would finally be exasperated with his incorrigible and disastrous misconduct and would rather be rid of him. (1) [320]

1. See also Chapter VIII, Article II, 2, A.

595* 554 The name bolímbó seems to come from the fact that for an instant during the installation ceremony the woman is naked. In fact in certain dialects the word means "nudity."

[551] Nowadays this name is common among Nkundó women (rarely men), but it does not indicate that they are bolímbó. The name is borne in memory of ancestresses or relatives who had that position and is transmitted in the family like any other name.

[184] All the tribes under discussion here use the same term, bolímbó. The Bombomba alone say bofié. (2)

2. Elsewhere, as in the Losanganya region, among the Bosaka, etc., the bolímbó is called ekila (interdiction, taboo).

It is clear from everything that has been said that the nkóndé and the bolímbó have nothing in common with each other. [353] The two institutions are decidedly different. Nowadays they are beginning to be confused with each other, however. [171] For the installation of a bolímbó has become extremely rare, and in some regions it has already disappeared. The colonial government has established districts and appointed chiefs in charge of them. Very frequently, they are not those who in the purely indigenous order would have been the most influential men, the masters, those who would have the biggest say in their society, who would be said to have the joko, the first place.

As far as I have been able to observe, the other tribes on the equator also have the two types of wives with special positions, who bear names which vary with the dialects.

171 595* 554 Do the Ntómbá and the Bolénge between the Boloko and the Congo have only the bolímbó? That is the conclusion one draws from Engels' study of the Wangata (Revue congolaise, Vol. 2, no. 1, p. 33). If that were so, the frequent contacts with this people may have increased the confusion even more. Natives who are strangers to the Bolénge tribe but who have lived many years among them as catechists, have maintained, however, that

595 x 831 And it is not difficult to understand this fact. For indeed polygamy constitutes a legitimate and easy means by which a man may enjoy several women without being bothered by palavers, difficulties, etc. The mentality of many men who care little about moral laws as well as the tendency of a disordered instinct to multiply its objects only confirm this observation. Often one sees men who were monogamists at first begin by taking a second wife out of passion. Then gradually their passion becomes greater rather than appeased, and so a harem is built up progressively.

595 x 178 The changes introduced by colonization in the economic life of this people have not resulted in a decrease of polygamy. In the absence of exact figures we must be satisfied with simple visual observations, but in certain regions one has the impression that the harems have become smaller but, on the other hand, that the number of polygamists has increased, and therefore [375] the desire for polygamy, that is, its affective cause, has [651] not diminished. Nor does the extra tax frighten or stop the polygamists. The great means for changing the Nkundó attitude in this realm will always be the action of the missions and the penetration of Christian ethics, seconded by a government attitude favoring monogamy. (1)

[648] 1. The favorable attitude of the colonial government toward monogamy is expressed chiefly in the permission given to a polygamist's extra wives to abandon their husband in order to contract a monogamous union, preferably in a mission, under the supervision of missionaries.

[177] Another means, undoubtedly secondary but still important, is the example of European couples. The Blacks are imitative, and native women envy the lot of the white woman, so that European households are propaganda for monogamy when they behave well.

586x if they do not break themselves of this fault and, then, are detested. The result is endless palavers and quarrels, which inevitably lead to divorce. For this failing is considered very shameful. Note that laziness or heedlessness in a spouse may also lead to divorce.

Divorce is frequent among the Nkundó. These people do not try to correct their failings by the imposition of any restraints. As initial love gradually becomes less passionate, continual daily contact makes the less agreeable sides of a person's temperament more apparent. And when it is not tolerated or gives rise to serious wrongs, the marriage inevitably breaks up. There are more divorces in marriages by inheritance and substitution than in marriages through a direct payment of the bride price.

The preceding data show that although the legitimacy of divorce is accepted in Nkundó law, its acceptance exists only because it is necessary, so to speak. As a matter of fact, before a situation reaches that point, the difficulties have been obvious for a long time, and the parents and especially the ndonga will have had to intervene more than once in order to re-establish the troubled peace and strengthen the tottering union. They only give in when there is no possibility of settlement. [380]

Article II

Ways of Dissolving a Marriage

586x The simplest and ideal manner of dissolving a marriage, so to speak, is a separation with the consent of the families involved
●178 and especially of the ndonga. At the present time it is the only procedure -- except for running far away -- that is permitted. Since the reorganization of districts, however, the chiefs and the courts have more and more monopolized, or had assigned to them, the function of official witnesses. (1)

1. It is not my intention to deny the right of the chief and the courts to intervene in matrimonial litigation,

586x 178

for this right was recognized by the written laws which have assigned the functions formerly exercised by the "fathers" of families to them. But they are required to act in conformity with the common law, and therefore to listen to the ndonga and report to him.

Before colonization the Nkundó often used other means.

586x Before exploring the question of bride-price reimbursement, we will examine these various actions. For greater clarity we will distinguish between the customs of the pre-European regime and actual practice. Two specific cases will be described at the end.

1. In the past

Let us again make a distinction between two situations:

A. First hypothesis: a wife left her husband. She ran away to her family, first informing the ndonga. If she did not go to him but went straight home instead, the ndonga felt that he had been disregarded, and serious consequences followed, for he inevitably found her in the wrong. That is why this situation very seldom arose. [381] The woman explained her conduct to the ndonga. It was his duty to reconcile her and her husband. A divorce never took place without many interventions on the part of the ndonga.

1) If in spite of all attempts the woman was absolutely unwilling [721] to stay with her husband and definitely left him, the result in most cases was war, unless, of course, the husband also did not care to continue the unhappy union. In such a case he was satisfied with claiming a reimbursement of the bride price. The war, like all others, ended in peace and indemnification; nothing further was discussed. The war was fought against the woman's clan if restitution of the bride price was delayed or not made. However, if the woman went to another man without first going to her family, the abandoned husband declared war on his rival and left his parents-in-law in peace.

586x 682 2) Sometimes the abandoned husband took revenge on his rival by assassinating him. If the possibility was open to him --

586 584 that there were no further means for a reconciliation, returned her to her parents. No violence was used against her, nor could the husband demand an immediate and direct reimbursement of the bride price. The husband had to wait until the wife he had repudiated found a new husband and the latter had paid a bride price for her. If the parents-in-law showed ill will toward him, however, [72] they could expect a war.

586x The conclusion that can be drawn from the preceding data is that although Nkundó law is very severe against the wife who does not acquit herself of her marital obligations, it does not leave the husband entirely free to do as he pleases. Ancestral law demanded grave reasons as the basis for any measures he took against her, [386] and the application of this law was well regulated. The differences between the various situations are an eloquent demonstration of this fact.

As we have seen above, the term bokófo is not applied to repudiation by either party. In the case of the husband the Nkundó say that he atóna, "no longer wants her"; the noun is lotóno. This term does not apply specifically to this situation; it refers to any person or thing one does not want. The special manner in which the wife is sent back by being handed over to the ndonga is also called by a generic term émola, "to cause to start moving, to make go away"; the noun is njémó.

2. At the present time

586x 179 Considerable changes have been introduced as a result of colonization. Wars, torture, human sacrifice, and slavery have been abolished. The possibilities are now reduced to the woman's flight, with or without notification of the ndonga, or a repudiation pure and simple. The intervention of the ndonga is only rarely omitted; it is still considered important. As a matter of fact, it would be against his financial interests to make an enemy of him. A woman who leaves her husband returns home, goes directly to another man, or lives a debauched life in some center, large or small. There is nothing left but to proceed with the refunding of the bride price. Thus everything is reduced to its simplest form.

A Nkundó woman is held back only by the fear of punishment and other consequences of her action, or by her love for her husband.

586 178 In the past, when that love began to cool or became less passionate, fear caused her to make an effort and frequently everything was put in order again. Modern freedom, on the contrary, invites her to break all fetters. As a result, a temporary annoyance which in the past would have been taken care of, or some domestic difficulty that would have been smoothed out under the old regime, nowadays is enough to break up the marriage permanently. [387]

Thus it is understandable that the substitution of the present state of affairs for the ancient customs has caused divorces to increase in scandalous proportions.

The arrival of Negro soldiers (strangers or men from the Congo) dealt the first blow to Nkundó family organization, and the blow was almost fatal. Native authority, which was familial and patriarchal, was abolished from the outset. The chiefs who were subsequently set up by the European power had more to worry about than the preservation of marital morality, even when they did not tend (as was unfortunately too often the case) to favor easy divorces in order to appropriate the women themselves and thus build a harem. The colonial administration found itself faced with the unknown. It took them time to learn about the past and present situations. Furthermore, the administration was occupied with other problems: the pacification of tribes, the stabilization of the occupation, assistance to the colonization that was just beginning, to trade, and to missions, as well as the various organizations, roads to be opened and maintained, etc. In addition the work involved in the establishment and development of centers, the police, the various forms of transportation, the establishment of industry, and the religious missions drew away from their usual surroundings a large number of young people who needed companions, real or substitute wives to satisfy their passion. All this caused great ravages in native society. Morality suffered greatly, and consequently so did the birth rate.

In the course of recent years, however, things have become more normal and stabilized, and the colonial administration has begun to repair the wrongs it caused. This complete change must be whole-heartedly applauded. The efforts that have been made to check the chaos of family affairs and put it in order can have nothing less than full approval.

586^ 692 ●178 In spite of the opposition of several old-fashioned chiefs, [388] the native courts that were recognized or established by the decree of 1926 have begun to make use of the powers the government has assigned to them. They are called upon to play a great role in setting matters right, especially if their work is closely supervised and regularly checked. To accomplish this end, these courts must continue to act in the spirit of the ancient laws, taking into account only the change in circumstances (1).

1. See Chapter VI, Article VII, 7.

586^ 178 The chief measure for the restoration of order advocated by the natives is the imprisonment of the wife who attempts a divorce. This practice would be a continuation of the custom of applying the etáka and an adaptation of it to present circumstances. Like the former practice, it would have a double effect: it would restrain flightiness and license, on the one hand, and, on the other, it would ensure the reimbursement of the bride price in cases where no reconciliation is possible. But its execution would be taken out of the husband's hands and handed over to the chief. Europeans who are in contact with the natives and concerned about the social order also favor this evolution of the common law.

Another way of combating such a situation would be the use of pressure against the guilty woman's parents, chiefly through the imprisonment of her mother. This measure has no basis in ancient law, except for war -- which did not touch the mother and actually was only moderately useful -- and the system of compensation (lowáála) -- which depended on the availability of opportunities and was used through the husband's own initiative. This practice therefore cannot be approved as such, but it might be acceptable in cases where the parents are really at fault. For instance, they may have in one way or another incited their daughter to break her marriage although she had no acceptable reason for doing so, or, although a legitimate declaration [389] of divorce has been made, they might refuse to make restitution of the bride price. (1) And

1. A drastic and indiscreet application

586 X
● 178

> of this rule, however, could trouble the religious feelings of native Christians and thus produce an effect that is the reverse of the one desired. A religious marriage is in fact indissoluble, and in such cases the obligation to make restitution would be equivalent to a recognition that a religious union could be dissolved. And not only would the native consider this an opposition between the public authorities and Christian morality, but in addition the stability of marriages in general would greatly suffer.

here it must be noted that certain parents use hypocritical circumventions rather than openly showing their refusal. This is how they go about it: if the woman has really abandoned her husband and he, for good reasons such as those given above, no longer cares for his wife with whom he can no longer live (especially if he is monogamous), the question of reimbursement arises. The woman, in connivance with her parents, who do not want to make restitution of the bride price, publicly and officially declares that she is not leaving her husband and wishes to return to the conjugal household, whereas her only intention is to help her parents avoid paying the bride-price valuables. In time she will manage to get out of it one way or another.

3. Special cases

586 X There are some rather special cases in the dissolution of marriage. The first has occurred more frequently since colonization, while the last has practically disappeared.

586 X 837 587 1) Njangó. This word is the noun form of the verb angola, "to seduce or lead astray" (another's wife, his laborer, his slave, etc.). Therefore, it is a generic term, but it is primarily applied to the seduction of a married woman in order to make her leave her husband. It therefore denotes a man's act. Of the woman it is

586 simply said that she has left her husband (a᷄kɔ́fa) and has been taken
837 in marriage by X (a᷄kúmbwa éka Sóngɔ́lɔ́). Having fallen in love
587 with another man's wife [390] and desiring to marry her, a man tries to win her favor. If she consents he collects the valuables necessary for the bride price. He then asks the woman to come to him and pays the bride price as for any marriage.

Instead of going directly to her seducer, the woman may also first go to her parents, especially if they are in favor of her plan. If they are not she would not succeed, because they would prevent her from carrying it out.

[721] Cases of njangó were formerly rare because they were risky. As a matter of fact, they constituted a casus belli. Anyone who undertook such a venture had to be in a position to take the consequences of his act, especially with respect to the payment of an in-
● [178] demnity. Nowadays, on the other hand, these occurrences are much more frequent, even when the new husband does not have the means to pay the bride price at once. Nevertheless, the reversal in government policy is beginning to produce good results. The woman, or her mother, is often imprisoned; rarely the seducer. This penalty is often sufficient to restore order. But to keep from being exposed to further difficulties caused by the woman who no longer loves him, the abandoned husband sometimes refuses to take back his unfaithful wife.

[671] The rarity of cases in former times as well as the fact that they constituted a legitimate reason for war shows that the njangó did not have the approval of Nkundɔ́ law but that it was more or less considered an infraction.

586 x 2) Taking refuge. Because of the change in circumstances,
577 the practice of taking refuge is no longer common today. It used to be done as follows: A woman who absolutely wanted to leave her husband and had no means of doing so, since no man had asked for her in marriage and her parents were powerless to help her, went secretly to a rich and influential man whom she would have liked as a husband. She arrived unexpectedly, stood before him, or even threw herself at him, crying, [391] Bejwɔ́ bɛ̄kɛ̄! ónjéngé,

586* 577 continuous state of enmity existed between his clan and the husband's, or if the husband owed him a substantial debt, one that clearly equaled the woman's bride price. In the first case a new war followed almost inevitably. Later on the woman's family contacted the new son-in-law. The gifts they brought were considered the dowry, and he began to pay the bride price. But there was no question of reimbursing the bride price to the first husband; relations between him and the woman's clan were completely broken. The difference between this situation and the standard procedure described above lies precisely in the fact that there is no restitution. In the case of a debt there was no restitution either. The woman's flight constituted a compensation (lowáála) and was therefore so designated (N. aôkenda ndá lowáála). If the husband lodged a complaint, the judges sent him a piece of bofofó (1) to let him know that they did

[202] [628]

1. The bofofó is a piece of dried banana leaf which has been rolled up and tied with two knots (or more, as the case required). To indicate the end of a palaver, the bofofó is cut in two (or more) pieces, with a knot in each piece. One piece is sent to each interested party.

not want to concern themselves with his case, which he himself knew to have very poor grounds. Even the members of his own clan prevented him from making war; they knew perfectly well that the wrong was entirely on their relative's side.

The practice of taking refuge that we have just described was simply known as bejwó, bǒmoto áótswá bejwó, because that word was the principal one in the ultimatum.

178 586* 577 As we have said above, the custom here described disappeared with colonization. Even though the scope of this study does not extend to the Nkundó who are settled north of the Tshuapa, it [393] may be of interest to note that an evolution of this custom is taking shape in the Losanganya region. If a woman is condemned for leaving the conjugal household and imprisoned, she asks someone to marry her -- if the opportunity presents itself. If the man accepts

178 her proposal, he collects the bride price and produces it before the
586 chief. With the consent of this authority, he pays it to the woman's
577 parents, who make restitution to the husband. (1)

1. See also Chapter III, Article VI.

586 3) War. The last of the special ways in which a marriage
727 may be broken is the following: If a woman were captured in a war and not freed, thus becoming a slave, by that very fact her marriage was broken. Under the circumstances it could not have been otherwise, since each group was concerned only with its own interests. As we have seen in the preceding chapter, the slave was incorporated into the harem of one of the members of the clan who took her prisoner, or she was sold to some man for this purpose. If her real husband did not have the means to free her -- and we are speaking under that assumption, for if he did the union would not be dissolved -- he was unable to oppose what was done. Nevertheless, he was entitled to indemnification by the member of the clan who was responsible for the war, and he could use force to support his claim. If the woman were freed by her family, and her owner then paid them a bride price in order to contract a regular marriage, the former husband had a right to a return of the bride price paid by him. (See Chapter VII, Article V).

586 In concluding this account, we should note that a woman who has left her husband to go to another man may return to the first one [394] after a fairly long time has elapsed. There may be two reasons for such a return:

Either the woman does not find what she was looking for with her new husband and finds her hopes deceived, or in comparing her present situation with the life she had previously led she regrets her action. Knowing the love her former husband always bore her, she risks returning to him, and usually she is not rejected.

Or the new husband finds that after having paid part of the bride price he is unable to fulfill the rest of his obligation. Since a woman does not wish to be a wife without bride price -- outside modern exceptions -- she turns back.

586* husband's knowledge, or taking refuge) and did so, her remarriage was illegal. Before the law the new husband was simply a thief, since he held a person near him over whom he had no rights. For this reason the husband could declare war on him, which he was not permitted to do in the other case, the question of his marriage being a matter between him and his wife's family.

Another consequence of that legal ruling is the following: If the woman who has left her legitimate husband wishes to return to him, she can advise him of her intention by a secret message. She asks him to come and get her at the moment when her lover is to pay the bride price (ndanga or walo, depending on the instance). She urges the latter to meet his financial obligations. On the day set the legitimate husband, accompanied by his ndonga, goes and hides near the place where the payment is to be made. At an opportune moment he comes out of his hiding place [684] and seizes the valuables that have been set out, saying to his rival: "I have caught you in adultery with my wife; these valuables belong to me as indemnity." [396] The woman's family takes his side, and the husband who has seduced her finds himself at a disadvantage and is sent away empty handed, for he is clearly entirely in the wrong.

If the legitimate husband belonged to an influential family he might risk the assassination of his rival if he saw a possibility. But then the situation was complicated by a war.

Furthermore, if the fugitive becomes pregnant as a result of her relations with her lover before the procedure of bride-price payment and reimbursement has been carried out, the child belongs, not to the natural father, but to the abandoned husband, who remains its legal father.

178 586* Nowadays everything has changed. A woman who leaves her husband cannot legitimately cohabit with another man. But during the past years no sanction remained. The imprisonment of the divorcing woman (mentioned above) could revive the ancient law while adapting it to circumstances. Furthermore, since the marriage is not dissolved, the alleged second husband could be condemned by the native courts for complicity in adultery.

58% unproductive. Nowadays, they occur somewhat more frequently.
[58] A feeling of generosity has developed toward sons and younger brothers, and the valuables are often set aside for their use.

If the bride price has already been transferred, the solution [400] is less clear cut. Under the old regime the matter was fairly clear, which is no longer true at present. But let us proceed by stages.

In the past the question was as follows: Theoretically it was assumed that the woman's family was not in a position to make restitution. In practice, however, they managed to do so, either by substituting another woman, or by borrowing the needed valuables, or by giving the husband a bride price received by one of the divorcée's relatives. The husband had certain means of forcing his father-in-law to pay (see above). Other times the notables of the clan were moved by a threat of war. They unceasingly urged restitution, and unless the debtor himself was the most influential member of the group and of an unyielding nature, he gave in to their entreaties. If, on the other hand, the husband did not have recourse to the means mentioned, he simply had to wait until his father-in-law received a new bride price.

178 Nowadays the ancient customs have been abolished, and
58% the whole question has changed as a result. Nevertheless, in spite of the external changes, the colonial administration wishes to act in the spirit of ancient native law;

By establishing regular native courts and giving them the right to judge in accordance with the laws of the tribes themselves, adapted to changed circumstances, the decree of April 15, 1926 has armed these courts with the means of working for this adaptation. But in practice it has not yet been accomplished. This fact must be attributed to the difficulties of finding a solution which would, on the one hand, perpetuate the spirit of the ancient system and, on the other, satisfy legitimate aspirations toward better regulations, aspirations which as a matter of fact are favored by the colonizing power. In this connection one must think especially of the gradual abandonment of polygamy.

The European authorities do not seem to have come to a clear decision as yet with respect to what method of restitution

178 should be adopted under present circumstances [401], and this 586x question is actually within the jurisdiction of the native courts. (1)

1. As to the imprisonment of the woman seeking a divorce -- an adaptation of the etáka, this practice was first condemned but its legality has been recognized recently (in April, 1935).

Among the natives, opinion is divided. Two plans for a solution are discernible.

A. A strong tendency is developing to maintain the distinction mentioned above between the breakup of a marriage caused by the wife and the husband's repudiation of her. In itself this distinction is good, but it is subject to a serious drawback, inamely, the danger of exaggerating the importance of the latter situation. For, as we have seen, if a husband repudiates his wife, it is usually her own fault.

This tendency results in the following difference in the procedure recommended for the respective situations:

1) If it is the wife who runs away, her family should make restitution by means of its own wealth. If they try to avoid doing so or delay too long, the woman seeking divorce or her mother should be imprisoned. The latter can usually be gotten hold of more easily than the former, and even if catching the daughter presents no special difficulties, the fact remains that the imprisonment of the mother is usually more efficacious.

The criticisms that must be made against this system are as follows:

a) It advocates sanctions against the mother, who should not be implicated unless it is proved that she is at fault. (2)

2. See above, Article II, 2, last paragraph.

178
586 The traditional laws permitted sanctions against the wife herself. As to war, it caused both sides to suffer but had little effect on the divorcing woman's mother. Furthermore, compensation through seizure of the divorcée's mother or of one of the father-in-law's wives was only a haphazard method and could be applied only under favorable circumstances. It was not decided upon by the authorities [402] but was a capture by surprise, on the purely personal initiative of the abandoned husband. Consequently, in my opinion, it should not be tolerated, unless the mother's responsibility in the breakup is proved.

b) Although the imprisonment of the wife can have two purposes and its practice have two effects -- the reduction of the frequency of divorce through punishment of the culprit, and a hastening of the restitution of the bride price -- it is important to distinguish between them in theoretical discussion. Imprisonment as a punishment has already been considered. Here we will deal with it solely as a means of obtaining restitution of the bride price or shortening the delay. Considered in this light, it is bodily constraint. It cannot be applied to the wife, who has no obligation, but to the father if he fails in the fulfillment of duties imposed on him by law -- that is, if he refuses to proceed with the reimbursement which the law requires him to make, or if he fails to take steps which will enable him to make it (or even if he is convicted of negligence in his duty to intervene in order to make his daughter respect her promises). In practice the father would really have to be in the wrong and his ill will be established. The imprisonment of the divorcing woman would avoid the prosecution of her father for a situation which he himself is powerless to prevent.

c) The tendency cited could prevent polygamists' wives from contracting monogamous marriages and, as a result, could oppose the spirit of the law. It would not be difficult to eliminate this drawback, however.

Since the written law favors monogamy, a regular and serious control of the activity of native courts would actually be sufficient.

2) If the breaking up of the marriage is caused by the

178 husband, the proponents of this system require a restitution of the
586 bride price [403] only when a new bride price has been paid, or rather as soon as the woman has a new husband. Some go even further and claim to impose only a partial restitution; a portion of the bride price would be kept by the wife's family as a punishment for the husband's offense.

We must raise the following points against this rule:

a) Far from having a basis in common law, it is in flagrant opposition to it (see above and further on).

b) It also has the disadvantage of setting up a certain impediment to the development of stable monogamous marriages. Not for monogamous marriages per se, for in the case of a pagan or a Protestant there is no difficulty, and the rule does not harm them. If their marriage is not successful, they can always resort to divorce so that this rule does not apply to them. They can continue to cohabit with their wives until the latter leave them. For a Catholic the situation is entirely different. He knows that his religious marriage is indissoluble. But before contracting a marriage, the local ecclesiastic discipline at the present time requires him to pay a bride price and, consequently, to become involved in a common-law union and submit to its laws even though in his conscience he cannot consider such a union as marriage. The same thing applies -- mutatis mutandis -- to a catechumen who is to be baptized and thus to elevate his common-law and legal marriage to the level of a sacrament. Suppose that his wife wants to remain with him -- sincerely or in order to save her parents from the expense of reimbursement -- but that her temperament turns out to be unsuitable to married life or that her conduct is not at all in accordance with Catholic morality. Should this situation arise, the husband would be exposed to extremely grave consequences. For whatever the case, [404] their life together will be unbearable in the long run, and one day the wife will leave her husband, who will find himself in a very painful dilemma as a result: either he will have to remain a bachelor or find himself in flagrant opposition to his conscience. It is therefore wise for this woman to leave him while there is still a way to straighten out the situation. The solution described here presents difficulties that would dishearten many men. And this would be to the detriment of an evolution toward a higher moral level

and a better social order, although the normal functioning of native courts could in part prevent this difficulty by requiring the woman's father to hasten the repayment of the bride price.

B. The serious disadvantages inherent in the system we have just described have caused another part of the population to seek a solution that would avoid them. The Christians in particular are the ones who advocate it. But since they have as yet very little influence in the political domain, the chances are slim that their point of view will carry. In their opinion the reimbursement of the bride price should be required in all cases, and immediate restitution would be required only if, at the time of the breakup, the bride price had not yet been spent. They also accept imprisonment as a sanction against the divorcing woman.

This system, too, is open to criticism: it is hardly in accordance with the spirit of traditional native law, which allowed the husband to use means of his own to obtain immediate reimbursement.

It is my opinion that we must take the present state of affairs into consideration, with the sole idea of protecting the social order through the stabilization of marriages on the one hand, and on the other, the evolution toward a better order by favoring [405] monogamous unions in accordance with colonial legislation and administrative practice. (1)

1. See also Chapter VI, Article VII, 7, and the article on "The Native Reaction Against Divorce," Congo, 1936, Vol. 1, p. 11.

It should be noted that natives in various localities maintain that the first system described is favored by the Europeans. That is their answer to the objection -- which I have made more than once -- that their solution does not conform to their traditional law. Actually at the present time, the administration does not seem to support their system. But it is difficult for me to believe that it is simply an explanation to their advantages, for I have heard it

from more than one native who was clearly and truly wronged by the system. For these reasons, it would not seem impossible that before the native courts were organized, some government agent had spoken and acted in approval of the system in question

This digression on the subject of the practice to be adopted with reference to the reimbursement of the bride price has become long. But special emphasis is necessary because of the crucial importance of this question in the future development of native society.

3. The formalities of restitution

The only formality involved in the restitution of the bride price is the obligation to carry it out through the intervention of the ndonga(s). Since he is the official witness, he is the one who is qualified to say what has been paid. There is no recognized obligation to make restitution of any payment or gift that has not passed through his hands or that he has not seen. Sometimes certain payments actually have been made without his participation, and restitution for them cannot be demanded. The official witness has had no knowledge of them, and he is consequently [406] under no obligation to take them into account. But the possibility of friendly transactions always remains.

Should the ndonga all have died in the interim, the procedure would not be adversely affected, for Nkundó law recognizing the inheritance of that office. The brother, son, or other relative of the deceased can act in his name, and sometimes long before his death he will have given the latter all the necessary and useful explanations. The testimony of the successor is recognized as legal and valid.

Moreover, the ndonga may be assisted by other upright and influential men who were present when the payments were made and who can corroborate or even correct his testimony. It is clear that this practice was established by common law for the sake of obtaining the best possible results in the exercise of justice.

586 X 848 ●178 Finally, note that in the "lowlands" of the region [413] under discussion, payment for a natural child is beginning to be made regardless of whether the beginning of the bride price has been paid, or whether no payment at all has been made. In the past there was no question of such a practice, for the child would have been considered a slave in his father's clan and in the neighboring villages. And actually in the villages of the interior and in practically all of the region under consideration, that attitude has not changed. It is in the European centers, under the influence of Christian ideas, that these new ideas develop. In practice, cases do not occur except when the individuals in question are natives of very distant villages and are established permanently (to the extent that this term can be used) in their extra-customary residence.

Article V

The Position of Former Spouses and Their Children

586 X Once the palaver concerning the reimbursement of valuables is settled, the former spouses become strangers to each other.

Their families sometimes continue relations with each other, however. In fact we have seen that a divorced woman may be replaced by a relative in her conjugal role. In such a case relations by marriage result from the continuation of the marriage agreement. (1)

1. See Chapter III, Article IX.

Except in cases where a substitution occurs, all ties between the former spouses and their clans are thus broken.

The divorced wife can no longer claim the slightest right to the fields she has established on the land cleared by her husband. In general, all the fruits of her various activities remain the property of the husband; she herself [414] has no further right to them. In our time, however, it is not unusual for a man and wife who are

768 583 Therefore there is a very great difference between the consequences of divorce and of death. In divorce the bride price must be considered more or less like a deposit. In case of death, on the contrary, it remains permanently in the hands of those who have acquired it. This difference weakens the theory that maintains that the bride price is only a guarantee; rather, it tends to favor the theory that it is a compensation for the loss experienced by a clan when it gives one of its members in marriage. In case of divorce the clan's loss [443] is nullified, since the woman returns to her family or -- as is the usual outcome -- remarries and becomes the object of a new bride-price payment. The death of a woman, on the other hand, makes the clan's loss permanent rather than bringing an end to it. This does not mean that the bride price does not constitute a guarantee; in reality it is one. But this guarantee is an effect of the bride price, not the reason for its existence -- which is something altogether different.

2. Inheritance from the husband

768 428 178 Since we are not dealing with Nkundó property laws, the question of inheritance is not, strictly speaking, within the realm of our study. Nevertheless, we cannot refrain from saying a word about it, since the study of marriage must naturally contain a chapter on children. Thus we shall examine the question from that particular angle. What interests us here is knowing what rights children have over their father's inheritance. We have already dealt with the position of the widow in the preceding article.

The inheritance from the deceased includes three parts:

1) The bride-price valuables, that is, everything that is used chiefly to obtain a wife: copper and brass rings, iron objects, widows and daughters insofar as they represent bride-price valuables.

2) Domestic animals: goats, dogs, hens, ducks.

3) Real property: fruit trees, fields and crops, hunting enclosures, fishing places; and personal property: nets, hunting snares, bows and arrows, shields.

The bride-price valuables become the common property of the close relatives. Each one receives his share of the inheritance.

768 The widows are awarded to the brothers, uncles, and nephews
428 (bɛ̃nankáná) of the deceased, in accordance with their position in
●178 the group hierarchy and their respective rights, [444] which may derive from financial assistance lent to the deceased so that he could obtain one of his wives, or from the application of the nkita system. Rings (bakonga) and iron objects (bifeko) are distributed in the same manner. Similarly, unmarried daughters are assigned to various relatives -- that is, the "fathers" who preside at the division of the inheritance discuss and specify which persons have the right to receive the bride prices that will later be paid for them. Of the sons only the eldest receives a wife or a certain amount of bride-price valuables as bosólo. (1)

1. Chapter III, Article III.

That is the traditional rule. Nowadays a far-reaching change has already taken place. The sons of the deceased are no longer excluded from the distribution. They are given either a wife, or a sufficient quantity of rings, or the right to the bride price of a sister or a cousin, if it is possible. For the rest see Chapter II, Article IV, 3 and Article XI, 3, 13, and Chapter IV, Article II.

The domestic animals go to the biũnanyí, who take them home to their husbands and they are thus included in the amount of the dowry. A few goats, however, might be given to one of the men in the kin group who needs them to complete the payment of a bride price.

As to the other property (real or personal), they pass directly to the sons. The first born receives the lion's share and the most precious items, but the younger sons are not excluded in the distribution.

It should be noted that a will may affect this distribution by assigning a specific object to a given son, or by excluding one of the heirs with whom the deceased has had a serious quarrel. Such a will is always executed, because the Nkundó feaf the vengeance of the deceased, who causes anyone guilty of an

768 infraction to follow him in death. It is obeyed even if [445] it is
429 manifestly unfair. They fear reprisal by the deceased, such as that
178 which is thought to have happened after the death of Iloko is Efekele
of Lofelf. He had killed his own brother, Mpénda éá nkotonkale,
[682] because the latter had tasted freshly brewed beer instead of leaving
that honor to him -- an action which constituted an extremely
serious offense. But since the punishment was out of all proportion
to the act, the whole family united against the murderer, who was
obliged to flee. At his death he disinherited all his brothers in
favor of his sons. This will, considered unreasonable and unfair,
was not respected; Iloko's only brother, Bondélé wa Wilima, took
Bonyengú, the favorite, for himself. But he soon died, and his
death was attributed to Iloko's vengeance. Several years ago the
family met to finally settle the matter of the inheritance. The
largest portion was set aside for Iloko's sons, but one part was
awarded to other relatives who were not named in the excluding
clause, which referred only to the Baséká Banángá, that is, to
Iloko's own brothers.

Sons are never disinherited. If one of them behaves very
badly toward his father, when the latter dies he refuses him his
benediction (bokako w'ólótsi) and curses him bokako wá tu yo).

3. Inheritance from the wife

78 As we have seen in Chapter VI, Article II, a wife has no
428 rights of ownership over the fruits of her own labors or of the
couple's joint efforts. Consequently, her family can make no claims
as regards inheritance; there is nothing to inherit.

Although all the fruits of the wife's activities belong to
the husband, most men do not require that their rights be rigidly
respected. They leave a part, or the whole, to the family of the
[446] deceased, as is done in the case of a widow. (1) After the

1. See the previous article.

feast at the end of mourning, the two clans make an inventory of the
property in question. Usually whatever products of her work the
woman has left are divided equally between the two clans. Some

768 fastened her to a fork (etáka) until he was reimbursed. Sometimes
672 the ndonga intervened to free her, but by doing so he took upon
593* himself the responsibility of making restitution of the bride price.
In this last [465] instance, if the wife died in the home of her family, the husband was entitled to reimbursement just as he would be in case of a divorce. Thus we come back to the situation described under 2) and 3), the forms varying according to whether or not the widower wanted to continue the affinal relationship.

● [178] Nowadays the situation has changed entirely. The colonial administration no longer permits the use of the etáka. Consequently, a man who wants to get rid of his incorrigible wife acts in such a way that she will leave him of her own free will. And the situation is again that described in 2).

If the husband has sent his wife away himself by placing her in the hands of the ndonga, his parents-in-law will refuse him an indemnity or any restitution of the bride price and often will not even accept the nkunjí. They answer his demands by telling him that he should not have repudiated the wife whom he freely chose for himself. Thus most men resort to the procedure described in the next paragraph. There are circumstances, however, under which this mode of action is more difficult; this is so especially in the case of monogamists, since its execution requires several weeks, sometimes several months. In the interim the wife does as she pleases and neglects her husband, so that the latter practically finds himself a bachelor.

797 Evangelization has added a second difficulty. Catholic
768 marriage is indissoluble. Catechumens and Christians who wish to
672 marry must therefore be careful. Before admitting them to re-
593* ligious marriage, we require that at least the walo be paid. But the young men know the temperament and value of their fiancées only through experience. In almost every case therefore they have this experience at home before the walo, in accordance with their ancestral custom. Then, if one of the two parties is pagan (which happens very often), the disciplinary rules of the Catholic missions in the Congo require that they spend a minimum of six months

768 672 178 Colonization has given rise to a new legal situation which is not provided for in Nkundó traditional law. If a woman takes advantage of the freedom permitted her by colonial legislation and goes to a mission to obtain instruction and make a monogamous marriage, and then contracts an illness from which she dies (at the mission, in the hospital, or even in the home of her family -- a question of place which has no legal importance), we find ourselves confronted by an entirely new situation. The husband no longer considers the woman his wife since she has left him, even though theoretically she continues to retain that status. On the other hand, she has not gone back to her family or gone to live with another man.

Polygamous husbands want to throw the "responsibility" back upon the woman's parents. But actually they have no part in the events, and it is unfair to involve them in the situation.

[197] They do not bring the mission into the matter. As a matter of fact, the mission performs a service to the woman and to society as a whole in trying to elevate it morally and culturally.

What should one think of this situation? In the preceding article we have seen that the husband assumes all risks in relation to the wife. Certain exceptions to this rule [460], which we have explained, have been formulated in Nkundó law; but outside of them, the law retains its dominion, since the exceptions are narrowly defined. Thus it applies to the situation with which we are dealing, and consequently the damages must remain on the husband's account.

Moreover, this interpretation is to be encouraged for the following reason:

The purpose of the legislation involved is to protect freedom in this matter of capital importance and to favor monogamy and the gradual abandonment of polygamy. Polygamists -- as a group -- must perforce suffer from it in one way or another. It is inconceivable that a struggle against an abuse would not affect the persons guilty of it.

768 Such cases are still very rare, but their frequency may increase with the progress of evangelization.

672 682 In terminating this duscussion we must make one point that is related to both of the last two articles. The cause of death has no

842 differences can be found here, although they are less apparent to
855 a European observer since we usually approach the natives as a
152 group and our contact with them is often too impersonal.

2. Abortion

947 A great enemy of maternal love is the practice of abortion, which has always been known to the Nkundó. Here we cannot describe all the prescriptions used for that purpose. It will be sufficient to enumerate the reasons for which they have recourse to this practice. They are as follows:

1) A woman's lasciviousness: the procreation and subsequent care of a child to some extent prevent the indulging in carnal pleasures. Formerly this cause of abortion was nonexistent or very [178] rare. Needless to say, it has become more common, especially in the centers where it is constantly on the increase and where, in addition, occasional or regular "housekeepers" learn new means of sterilization and abortion.

2) A woman's antipathy or persistent anger toward her husband may encourage her to prevent conception or destroy its effect.

3) An excessive weakening of the mother's organism caused by a large number of conceptions and childbirths at too short intervals.

4) The encumberance and the difficulty of watching, carrying, and taking care of many small children -- bálota bokekesano [467] [535] wá bána nsátélá nsátélá. This reason is especially important for well-known dancers.

It goes without saying that several of these motives may be combined in the same person. For instance, I knew of a woman who aborted at the time of her eighth child. Her recurrent pregnancies, together with continuous work, had greatly reduced her strength. A palaver with her husband was the last straw; she decided to get rid of the fruit she carried in her body.

Outside of these exceptions the natives of this country ardently desire their own continuation through a large number of progeny. (1)

[184]

1. The same is not true elsewhere. Examples to that effect are cited from regions that are

843 a woman's mother proceeded with the ceremony in the absence of the husband and his family. The latter were furious. They revealed the matter so that if anything should happen later to the mother or the child the law would be on their side. In that way the husband could evade responsibility and place the blame on his wife and her family so that they would have to pay an indemnity.

The pregnant woman does not remove the paint for three or [301] four weeks after the ceremony. Nowadays the use of paint having [178] disappeared except for certain occasions and among older persons, it is left on for only one night. In addition the surface smeared has been reduced to a line in the middle of the head or even one single spot.

[783] During this ceremony the Bombwanja have a public confession [837] (etato) of the lovers. But since the Bokóté wait until after delivery, we will deal with it later on.

On the night following the ceremony described, the couple [833] [476] "fasten the fetus" through their carnal union. Were they to omit this act, the child would die before birth.

For subsequent pregnancies the fastening of the fetus is no longer preceded by the same formalities.

The couple continue to have relations during the entire [833] period of pregnancy "in order to open an easy passage for the child." 843 On the other hand, they must strictly observe marital fidelity. 837 Nevertheless, a polygamist may have relations with his other wives.

In addition to this essential art, the interdict also includes a secondary part; the couple may not even commit acts even very remotely related to procreation. Thus they may not:

1) Touch in any way whatsoever -- even to shaking their hands -- persons with whom they have had adulterous relations; such persons must therefore be avoided.

2) Sit next to such persons.

3) Look at them.

4) Enter a house or apartment where they are.

5) Eat "from the same pot."

6) Lie in another couple's bed.

7) Other persons may no longer sleep in the bed of the couple bound by the bokeka.

10. Conclusion

182 Nkundo society was a fully alive, organic community. All of its organs functioned and were able to adjust continually to the changes in its life. Ethnically, socially-legally, and politically, they were open to every improvement. The organs with which it was built stood nearest to natural law and drew their rights and duties from it, and also the spirit which inspired them.

The facts prove that this society could survive. It arose at the source of the Lomako; in a short time it had extended itself peacefully over the whole central area of the Congo; it pressed eastward across the Lomami and Lualaba, and southward across the Kaisai /Kasai/-Sankuru, to occupy about a fifth of the present Congo at the time of the arrival of the Whites.

182 This society was open to all healthy influences and could adapt it-
177 self to all reasonable demands of civilization. It was, however, not reconcilable with what precisely is wrong in our European ideas about progress and civilization: elimination of all ethnic intermediary organs, equalization of all individuals, materialization of all life on the basis of economic competition, slave-like submission to the impersonal, unpaternal State, with that terrible pretense of freedom, of being able to do everything that is not forbidden by the State.

178 This suddenly attained freedom, which was accompanied by the
161 abolition of all the former joints of society, means the death of the Nkundo /161/ community, not only in its soul, its being, but also in its existence. The gradual depopulation, the dying out in the Middle Congo, has had repercussions now and then, even in government circles. "The Nkundo-Mongo population is melting away like snow before the sun," is the brief content of the last official report. The Waola, between the Ruki and the Ikelemba /rivers/, had in 1939 ninety deaths and three births. The official statistics of 1939 of the territory of Coquilhatville give one hundred adults for every twenty-four children. The official data of the same year for the Vicariate of Coquilhatville, with its 382, 736 inhabitants, give a ratio of 415 children to 1, 000 adults. According to these data, the whole population will be decreased by more than 50 percent by the following generation, thus dwindled to less than one-half.

Coquilhatville, 1939

837 When a wife of a polygynist had illicit relations with another
586 man of the same village, this was called Bonsamba. When she had such relations with a man of another village, this was called Isoke. As we have observed, the ordinary wives of the harem often had such relations. When the woman eloped with her bonsamba or isoke, or with whomever it was, she was pursued by her husband or owner, who tried to get her back. If the wife refused, negotiations over the bride price began.

If an agreement was reached or if a pledge was given as guarantee for the payment, the first bond was considered broken, and the woman was considered bound to this second man, even though he had been her bonsamba or isoke.

It might also happen that the first husband was so jealous that he did not want to make any agreement; then he attempted to kill either the guilty wife or her second husband. If the woman became
593 ill at the home of her husband, he went to tell her family and had to
758 give a security to the family.-
583 Often the family came to get the wife, in order to be able to care for her better. If, in such a case, the wife [538] died at the home of her family, there were no further difficulties about the bride price, according to their customs. If, however, the bride price had still not been completely paid, the family asked their son-in-law to pay the remainder.

583 In recent times, now that the heathen customs have been
78 undermined by the European occupation, we see that the husbands whose wives have gone to their family when sick and have died there, demand the return of the bride price from the family, but this is completely contrary to their old customs. In one case the husband could demand the return of the bride price, namely, if the wife had left while healthy to go to her family and had died there.

562 Buying or Trading of Women. The woman was also in many
439 cases an acknowledged object of trade. The great village chiefs, among others Ibuka and Yoma, of whom we shall speak further, carried on a sort of woman trade. With European articles and also native currency, they went to other districts of the Equator [Province] to buy women with them, just like someone who goes to market, even though no public markets where women were sold actually existed.

436 1. Benkata: this was thin iron or copper wire rolled into small rings; the thickness of the wire was about 3 millimeters; the length, 20 to 25 centimeters.

2. Bingetele: iron or copper bars about 8 millimeters thick and 15 centimeters long; these are still in use in Bikoro.

436 3. Bekata: copper wire; thickness about 7 or 8 millimeters, and
301 1 meter or 1.50 meters long; spiral shaped; the women wore these rolled around their legs as copper leggings.

[543] 4. Bakonga: copper rings which served as arm bands and foot bands and also as collars. The size differed for small or large persons; the weight is from one half kilo to 5 kilos.

436 5. Mitako: copper wire about 4 millimeters thick and 25 centimeters long, usually bent like a hairpin. The mitako served as a uniform currency, from which the other values and prices were reckoned, like the franc with us. The value of the mitako was formerly reckoned at five centimes.

583 Formerly the bride price, which was paid for a wife in al-
435 most all of Equatorial Africa, was from 5 to 20 bakonga. (The value of the bakonga differed greatly according to the weight. The average value, however, is estimated at 2.50 francs.) This payment was further supplemented with slaves or wives. This manner of payment and the bride price still exist in the districts where the natives have not yet, or practically not, come in contact with Europeans. Also,
[567] it was sometimes paid with only slaves or women. The price for one female slave was relatively much less than for another woman.

178 Through the occupation of the Congo by Europeans, the
583 family life of the natives has necessarily undergone great changes, and their customs and habits as well.

In the first place the natives have found themselves deprived of their wives by the sentinels of the Independent Congo State.
[661] These black sentinels, appointed in the villages by the State to supervise the reaping of caoutchouc, assumed an unlimited power. They took as many wives of the natives as they chose and did not pay for a single one.

Next many black soldiers, servant boys, and workmen of the Europeans also took wives everywhere in the beginning, without bothering about the native customs, that is, without paying for those wives; and this often happened under the protective power of their Whites.

178 We can add to that also a large number of black women who became
583 the famous "housekeepers" of the Europeans. Although payment for these women was usually given to their owners, they were still withdrawn from the family life and the native customs. Finally, the Christian women, who now live in Christian marriage, must also be mentioned.

In addition, the price of wives and the bride price have [544] undergone great changes, primarily in those districts where the natives came into more immediate contact with Europeans. Before the arrival of the Europeans, their main medium of payment was the woman herself; a woman was paid for with a woman. Now it is forbidden to use women as currency. Therefore the natives have raised the price in the payment of bakonga and mitako.

178 In some districts close to the European centers, the natives
583 have brought the price for wives and the bride price to a height
435 never before known. For one wife they ask several nkesi.

A nkesi is 10,000 mitako. Such a sum is much too high in relation to their means. In a village there are, for instance, 50 women; for one woman, 40,000 to 50,000 mitako are asked, while at present in the whole village together the sum of 50,000 mitako is no more to be found. Therefore to oblige someone to pay two or three nkesi is usually to make it impossible for him to pay, or rather to make it necessary for him to pay with women, which is nothing else than encouraging woman trade, which then occurs.

802 A remark should also be made here about the nomenclature
177 of the numerals. Nkesi is not a word of the Equatorial peoples; it was brought in from elsewhere with the Europeans. Their amounts were as follows:

10 was jum or bonkama;

100 was nkoto; and with the arrival of the Whites and foreign population came

1,000 nkesi.

The present numerical value is: 10, jum; 100, bonkama; 1,000, nkoto; and 10,000, nkesi. Some very old Negroes, however, still say bonkama for 10.

[583] This is the probable origin of the great rise in price of wives, especially in the area of Coquilhatville.

178 When the first Europeans arrived at Leopoldville and
439 Brazzaville, it was not long before European materials and other
583 articles also came to Coquilhatville to the hands of the great village chiefs who carried on trade on the rivers, primarily in slaves and ivory. The village chiefs, Yoma from the village of Boyeka, Ibuka of Boyere, Yamba of [545] Eala, Nkake of Bokele, etc., carried these European articles up the Tshuapa and Ikelemba rivers, and they bought slaves and wives with them.

Returning home again, they bought wives from their own district and paid for them with the slaves and women whom they themselves had bought cheaply with the European articles. For one woman of their district they paid three or four women. The arrival
[802] of the Whites and foreign Blacks acquainted them with the number nkesi which, however, in their definition was only 1,000 and which they formerly called 10 nkoto or 10 times 100.

178 It was not long before the Europeans had to concern themselves
583 with hearing disputes over the wives. In the Black land such a thing is unavoidable. Whenever the Blacks came to the Whites with their disputes, they dared not or would not say, "I paid for this woman with three women, but they said, "I paid for this woman with three nkesi," that is, 3 times 1,000 mitako. Meanwhile, the nkoto and nkesi acquired their value of 1,000 and 10,000. The statement, however, that a woman was paid for with nkesi was retained, through the error of the Whites or through the greed of the polygynists or both. Indeed, later some women were paid for with nkesi, namely, when the prevalent currency in the Congo was the mitako. It was also no wonder, for the polygynists had a monopoly on the wives, and it was to their advantage to raise the price.

Therefore, if the native of Coquilhatville says now that his father or his uncle paid for that woman with three or four nkesi, this generally means that the wife was paid for with three or four women. The price of the women in Wangata, near Coquilhatville, was formerly no higher than in the other areas. Many women were paid for with only five bakonga, for instance, in Bokala, near Bamania, a village which belonged to the village chief Yoma of Boyeka.

178 It should also be noted that the nkesi which have been paid
583 in recent years in Wangata have been paid not in mitako or in
435

178 583 435 currency, but in articles on which the natives fix a conventional price, usually much higher than the actual value. Thus, for instance, a pataki, or piston rifle, was always reckoned at 3,000 mitako; it did not matter that it was only worth 1,500. There are, [546] therefore, only very few women who are paid for with nkesi in real currency or mitako.

691 583 178 The tragic result of this exaggerated rise in prices is that the mutual debts and difficulties among the natives have been increased, so that they are almost impossible to solve. In the attempt to settle a dispute, five other disputes come into it, all equally complicated, for the simple reason that the money, the mitako, to be paid does not exist, and it is forbidden to pay with women. To settle a dispute, several months are sometimes necessary, or a whole year. Other disputes never end, but pass on from father to son and are brought by each one in turn before each new District Administrator. In the districts where the bride price has not been raised, the difficulties and disputes are not nearly as numerous and are easy to solve. In the districts where the purchase price and the bride price of the women have become excessively high, the natives themselves admit that their disputes could formerly be solved easily, but that this is at present almost impossible.

It is unnecessary to say that this situation is harmful to the task of civilizing [the country] and to the mutual good relations of the natives. The natives are constantly coming to the District Administrator of the area to lay before him their disputes over women who have not been paid for. These disputes take up a great deal of the costly time of the administrator. He must hear and settle these usually very complicated disputes, for often the general peace of a village or district depends on it.

Also the natives themselves spend whole days and weeks doing nothing besides holding meetings to discuss the unpayable debts of bride price and the purchase price of wives, simply because the prices are excessive. For lack of currency, they pay each other with each other's debts, which usually complicates the business even more.

To improve this condition, the price of women and the bride price should be lowered, greatly lowered. We have seen that this was possible and practical when once a District Administrator who knew the native customs very well in the area of Coquilhatville really began to do it.

7:Brown M-5 (ca. 1940) 1944 FO32 Mongo FO32
Ntomba

THE *NKUMU* OF THE TUMBA

RITUAL CHIEFTAINSHIP ON THE MIDDLE CONGO

H. D. BROWN

THE tribes living round Lake Tumba, a lake some thirty-five miles long by twelve wide lying north of Lake Leopold II (approximately 0° 30′ south latitude, and 18° east longitude) and draining into the Congo River at the confluence of the Ubangi, lack cohesion and show a considerable variety of custom and language. But they are known collectively as Tumba, the Government adaptation of the Native term *Ntomba*. Most of them are found to the east of the lake, the whole group numbering perhaps little more than forty to fifty thousand at the present time, though there is evidence that the last twenty years have seen a great decrease in population. European occupation of this area goes back barely fifty years, Protestant missions having been established for about the same length of time. The first mission post was established at Ikoko on the north-east shore of the lake, one of the villages of a group known as Bonginda. In pursuing this investigation particular attention has been given to the practices of this group, but mention is occasionally made where considerable differences have been found elsewhere.

The Tumba are agricultural, hunting, and fishing people. Their country is flat and swampy with dense forests, and there are many watercourses flowing into Lake Tumba. There are occasional small, less swampy plains, and one such area, more open, with quite wide stretches of prairie, is a haunt of buffalo. The forests are fairly wel supplied with game, and the swamps, streams, and lakes with fish. A heavy rainfall and no distinct dry season make agriculture reasonably easy and famine unknown. Every family has its plantation of manioc, the staple diet, which is supplemented by plantains and bananas. The people make their own tools, formerly smelting their own iron for this purpose, are fairly skilful at making dug-out canoes, engage in weaving raffia and making mats out of split cane, and are efficient at pottery production.

The role of the *nkumu* in the socio-religious activities of the community is one of the most interesting features of Tumba life. As a result of European contact the ceremonies connected with the *nkumu* are rapidly disappearing, but it has been possible to collect considerable information from the older men and women among whom the details are still vividly remembered.[1] The following report refers to the period previous to European occupation and control, a time within the memory of a large number of people, but already sufficiently remote to become a matter of hearsay before the lapse of many more years.

An understanding of the place of the *nkumu* among the Tumba requires a glance at the tribal organization. According to the people themselves, they migrated westward, and coming into these parts chose land for themselves. Among the several

[1] In *My Children of the Forest*, New York, 1924, pp. 48–51, Andrew F. Hensey has briefly outlined some of the items of interest observed among the *nkumu* of the district adjacent to that of the present study. These more detailed notes are, however, timely if a record is to be preserved that approximates to accuracy.

766 782 crypt would then be barred by mats in order to leave it as a hollow chamber, and the hole leading down to it filled in with earth.

For a month or two after the burial the festivities and orgies continued. Women 766 would be hanged to create some diversion, but those hanged were not eaten. Decapi- 782 tations would continue. According to the informants only slaves brought in from a distance would have to be tied to prevent their escape. The slave members of the 567 household of the dead *nkumu* would await their turn stoically, content to die that [152] they might accompany their master in his journey to the land of spirits. This may be true but scarcely seems possible. Still another diversion in the funeral orgies was killing in the manner known as *esumbu*. If some man who had a slave did not wish him to be hanged or beheaded, he might give him for this other method. As the weeks slipped by, such a one, his life having apparently been spared, would suppose that all was safe and that there was little chance of his being taken, and, thus emboldened, would, instead of keeping at a safe distance, join the crowd to watch a beheading. His death would be prearranged. At the moment of beheading a victim, someone would drive a spear into the unsuspecting man, the whole crowd then using spears and knives to stab and slash until he fell. Some might be tortured to death by being buried up to the neck and left thus exposed to the hot sun without food or water until death intervened, but this was not a common practice at such funerals.

768 The termination of the dead *nkumu*'s affairs took place when the division of the inheritance was made, a long and complicated process.

● 178 624 Such were the old days before European penetration. The advent of the white man half a century ago was the beginning of the end. The ceremonies had to be given up, though reluctantly. Occasionally now goats are beheaded in place of human victims, and many of the younger generation find that, even so, the sight is more than they can endure, and they seek refuge elsewhere. *Nkumu* are not anxious for the honours. They find little or no respect paid to them by the government officials and this is a distinct obstacle to their obtaining honour from their own people. When the *nkumu* resident in the village adjacent to the mission station died, one of the Natives was asked who would be next. The reply was that probably no one would appear as a successor. Asked why, he answered, 'There are too many trousers.' He meant that too many were adopting the ways of the white man to [693] make the inauguration of another *nkumu* a success. In his one useful function, that of judge, the paramount chief now takes his place, cases tried must be recorded by a clerk of the court, and fines paid into the treasury of the chieftaincy. With such a state of affairs the old ways drop into desuetude, and the younger generation grow up knowing less of the ways of their fathers as the years pass.

614 kinship subgroup [Untersippe] for groups of rank C;
kinship group [Sippe] for groups of rank D (the exogamous units);
large kinship group [Grosssippe] for groups of rank E.

Local Organization

961 621 178 The second diagram[1] shows the settlement pattern of the Isangi group in its old settlement area up to 1949. At this time Isangi was relocated near the highway. Only two of the nuclear kinship groups of Isangi can lay claim to territory reaching far enough toward the east as to extend beyond the new highway. Thus, the resettlement process has led to a complete change of the settlement pattern. However, the functions of the settlement communities have not yet been adapted to the new settlement. At present the inhabitants are still so engaged in speculation about the possibility of a return to their own old territory that they have not yet reformed their village organization.

621 614 We observe that the village is divided into six settlement communities (30), each of which consists only of the members

30. See Diagram 3.

of one of the two kinship groups of Isangi. [200] We find that only the group of the father, which formerly was a kinship group in its own right, is attached to one settlement community of the kinship group Ngelé. Incidentally, we might point out that the names of the two kinship groups, Ngelé and Nkoto, mean "down the river" and "up the river." The older group is called "down the river" since in ngelé the river is large and wide. We come across this honorary term for the older group in some other villages although there is not always an "up-river" group. No corresponding settlement pattern can be found.

614 621 202 624 The degree of cohesion among the constituent kinship groups in settlement community I is so strong that the entire community has a communal bokendi, a communal messenger.

[1] [page 7, category 116.—Analyst]

614 each other to employ their own messengers. When the messenger
621 of settlement II arrives here, he first calls on the messenger of
624 the nuclear kinship group Bosóbé (No. 19) and then to Impfinga
202 (No. 26). The messenger from Bosóbé calls on his relatives in settlement VI, who are the nuclear kinship group Mbelo-Mmuna (No. 22), while the messenger from Impfinga-Ndongó formerly had to call on the group Bommambo which is now extinct.

Settlement V consisted of three different groups. Bolíma, the group of the father, had its own messenger; however, he only received the messages without having to pass them on, which is also the case with all these last groups of the village. Both neighbors had their own messenger. The messenger from settlement I called on the nuclear kinship group Bolesangi, his relatives; the messenger from settlement III went to his relatives of the nuclear kinship group Ituli.

There were also two messengers in the last hamlet, but reports on this subject are insufficient since the nuclear kinship group Bommambo has been extinct for a long time.

178 All the settlements just mentioned have a common
614 characteristic: formerly, at important dance festivals, their
621 young men performed together in one joint corps de ballet. The
535 population was decimated as a result of the rigors of [201] the
[161] occupation period and also as a result of the population movement into the cities. Consequently, there are not enough young people any more, and I with II, III with IV, and V with VI act together. Thus, in each case we find Ngelé and Nkoto united
[361] in one ballet. Although these groups have also been scattered as a result of the new settlement pattern (next to the highway), the old organizational structure has been preserved, and the young people do not hesitate to walk the long distance to the practice field every day so they can dance in the old groupings.

621 All of Isangi, all three kinship groups, have one common
624 village chief, the Nkúmú, with an iyolo nsáka who gets the meet-
622 ings started, and a village court with its judges. There are other groups which correspond to Isangi (31), but have more than one

31. See Müller, Fürstentum, pp. 73 ff., 76 ff., 133 f.

614 621 624 [202] Each hamlet includes one or several menage districts. Even at the time of the old settlement pattern the messenger system was determined by the hierarchical structure and not at all by considerations of what was most practical (for example, the shortest route). Consequently this conservative institution of the conservative old men has not been affected at all by the relocation.

The villages are the communities of jurisdiction and of political life. Usually a nkúmú, presides over the meetings. If a village has several nkúmú, one of whom may be the judge or all may preside together, I have used the term "part of a village" [Dorfteil] for the district from which each nkúmú originates.

36/ 621 178 Those areas which have a special meeting place are here referred to as a "province" [Gau]. The meeting place lies within the territory of the oldest or second-oldest kinship group. The practical importance of this institution for the entire province is minimal, but the two meeting places [202] which we discovered still constituted, until a short time ago, important social centers for the duplicate villages forming the administrative centers of the respective provinces. As a result of the relocation, the meeting places have now lost their function completely.

000 I hope that this paper has added new material to the discussion on the subject of ethno-sociological terminology, and that it will stimulate criticism and a new discussion of this important subject.